THE WEST BENGAL LEGISLATIVE ASSEMBLY

Vol. XVIII

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Bengal Legislative Council

Eighteenth Session, 1925

12th to 14th and 17th to 21st August, 1925

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble VICTOR ALEXANDER GEORGE ROBERT BULWAR LYTTON, Earl of Lytton, P.C., G.C.S.I., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir ABD-UR-RAHIM, K.C.S.I., Vice-President, in charge of the following portfolios:—

1. Judicial.
2. Emigration.
3. Immigration.
4. Jurisdiction.
5. Haj Pilgrimage.
6. Legislative, including the Executive Administration of the Legislative Department and elections for Indian and Provincial Legislatures subject to rules framed under sections 64 (*1*) and 72 (*a*) of the Government of India Act.
7. Registration.
8. Education (other than European Education.).

The Hon'ble Sir HUGH STEPHENSON, K.C.I.E., C.S.I., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards; subject to legislation by the Indian Legislature.
6. Jails.
7. Agriculture and Industries (except Excise Branch).

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia, in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded areas.
6. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.
7. Local Self-Government.

The Hon'ble Mr. T. EMERSON, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.
6. Public Works.
7. Agriculture and Industries (Excise Branch).

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Sir EVAN COTTON, KT., C.I.E. (*on the 12th and 13th August, 1925*).

The Hon'ble Kumar SHIB SHEKHARESWAR RAY (from the afternoon of the 13th August, 1925.)

DEPUTY PRESIDENT.

DR. ABDULLA AL-MAMUN SUHRAWARDY.

PANEL OF CHAIRMEN FOR THE EIGHTEENTH SESSION.

Babu JATINDRA NATH BASU.

Maulvi EKRAMUL HUQ.

Mr. G. MORGAN.

Raja MANMATHA NATH RAY CHAUDHURI of Santosh.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Abbot, Mr. E. G. (Indian Jute Mills Association.)
Addams-Williams, Mr. C., C.I.E. (Nominated Official.)
Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Ahamad, Maulvi Asimuddin. [Tippera (Muhammadan).]
Ahmed, Maulvi Najmuddin. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Ahmed, Maulvi Tayebuddin. [Mymensingh East (Muhammadan).]
Ahmed, Maulvi Zannoor. [Burdwan Division South (Muhammadan).]
Ahsanullah, Mollah. [Rajshahi North (Muhammadan).]
Aley, Khan Bahadur S. Mahboob. [Calcutta North (Muhammadan).]
Ali, Maulvi Sayyed Sultan. [Khulna (Muhammadan).]
Ali, Mr. Altaf. [Mymensingh East (Muhammadan).]

B

Bagchi, Babu Romes Chandra. [Malda (Non-Muhammadan).]
Baksh, Maulvi Kader. [Dinajpur (Muhammadan).]
Band, Mr. R. N. (Indian Jute Mills Association.)
Banerjea, Dr. Pramathanath. [Calcutta East (Non-Muhammadan).]
Banerjee, Babu Satya Kishore. (Burdwan Landholders.)
Banerjee, Mr. A. C. [Calcutta South Central (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. (Nominated Non-official.)
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Babu Sarat Chandra. [Burdwan (Non-Muhammadan).]
Beg, Khan Bahadur Mirza Shujaat Ali. [24-Parganas Municipal (Muhammadan).]
Best, the Hon'ble S. J. (Indian Tea Assiciation.)
Birley, Mr. L., C.I.E. (Nominated Official.)
Bose, Babu Bejoy Krishna. (Calcutta University.)
Browne, Mr. P. H., C.B.E. (Bengal Chamber of Commerce.)

C

Campbell, Mr. K. (Bengal Chamber of Commerce.)
Chakravarti, Mr. Byomkes. [24-Parganas Rural South (Non-Muhammadan).]
Chakravorti, Babu Jogindra Chandra. [Dinajpur (Non-Muhammadan).]
Chakravorty, Babu Sudarsan. [Rajshahi (Non-Muhammadan).]
Chartres, Mr. C. B. (Bengal Chamber of Commerce.)

Chatterjee, Babu Umes Chandra. [Bankura East (Non-Muhammadan).]
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur, C.I.E. [Dacca West Rural (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhury, Maulvi Md. Nurul Huq. [Chittagong (Muhammadan).]
Chaudhury, Maulvi Saiyed Abdur Rob. [Faridpur South (Muhammadan).]
Chowdhury, Maulvi Fazlal Karim. [Bakarganj North (Muhammadan).]
Chunder, Mr. Nirmal Chandra. [Calcutta North Central (Non-Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Corcoran, Mr. B. J. [Dacca and Chittagong (European).]

D

Das, Babu Charu Chandra. (Nominated Non-official.)
Das, Dr. Mohini Mohan. [Faridpur South (Non-Muhammadan).]
Das Gupta, Dr. J. M. [Bogra *cum* Pabna (Non-Muhammadan).]
Datta, Babu Akhil Chandra. [Tippera (Non-Muhammadan).]
Daud, Mr. M. (Nominated Non-official.)
De, Mr. K. C., C.I.E. (Nominated Official.)
Dey, Babu Boroda Prosad. [Hooghly Municipal (Non-Muhammadan).]
Dey, Mr. G. G. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal, M.B.E. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)

E

Eddis, Mr. B. E. G. (Bengal Chamber of Commerce.)
Emerson, the Hon'ble Mr. T., C.I.E. (Member, Executive Council.)

F

Faroqui, Khan Bahadur, K. G. M. (Nominated Non-official.)
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gafur, Maulvi Abdul. [Pabna (Muhammadan).]
Ganguly, Babu Khagendra Nath. [Howrah Muncipal (Non-Muhammadan).]
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan. [Mymensingh West (Muhammadan).]
Goenka, Rai Bahadur Badridas. (Bengal Marwari Association.)
Goode, Mr. S. W. (Nominated Official.)
Guha, Mr. P. N. (Nominated Non-official.)

H

Haldar, Mr. S. N. [Calcutta South (Non-Muhammadan).]
Haq, Khan Bahadur Kazi Zahirul. [Dacca East Rural (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hopkyns, Mr. W. S., O.B.E. (Nominated Official.)
Hoque, Maulvi Sayedal. [Noakhali (Muhammadan).]
Hossain, Khan Bahadur Maulvi Musharruf. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Wahed. [Barrackpore Municipal (Muhammadan).]
Huq, Maulvi A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]

J

James, Mr. F. E., O.B.E. [Presidency and Burdwan (European).]
Jennaway, Mr. J. H. (Indian Mining Association.)
Joardar, Maulvi Aftab Hossain. [Nadia (Muhammadan).]

K

Khaitan, Babu Debi Prosad. (Nominated Non-official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Abdur Raschid. [Noakhali (Muhammadan).]
Khan, Maulvi Amanat. [Chittagong (Muhammadan).]
Khan, Maulvi Mahi Uddin. [Rangpur East (Muhammadan).]

L

Lal Mahammed, Haji. [Rajshahi South (Muhammadan).]
Law, Raja Reshee Case, C.I.E. (Bengal National Chamber of Commerce.)
Liddell, Mr. H. C. (Nominated Official.)
Lindsay, Mr. J. H., I.C.S. (Nominated official.)

M

Mahammad, Maulvi Basar. [Rangpur West (Muhammadan).]
Maity, Babu Mahendra Nath. [Midnapore South (Non-Muhammadan).]
Masih, Mr. Syed M. [Faridpur North (Muhammadan).]
Mitra, Babu Jogendra Nath. [Jessore South (Non-Muhammadan).]
Mitra, Babu Satyendra Chandra. [Noakhali (Non-Muhammadan).]
Mitter, Sir Provash Chunder, Kt., C.I.E. (Presidency Landholders.)
Moreno, Dr. H. W. B. (Anglo-Indian.)
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukerjea, Babu Taraknath. [Hooghly Rural (Non-Muhammadan).]
Mukerji, Mr. S. C. (Nominated Non-official.)

N

Nandy, Maharaj Kumar Sris Chandra. [Murshidabad (Non-Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Nazimuddin, Khaje. [Bakarganj South (Muhammadan).]
Neogi, Babu Manmohon. [Mymensingh West (Non-Muhammadan).]

O

Oaten, Mr. E. F. (Nominated Official.)

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Parrott, Mr. P. (Bengal Chamber of Commerce.)

Q

Quader, Maulvi Abdul. [Jessore South (Muhammadan).]

R

Rahim, the Hon'ble Sir Abd-ur., K.C.S.I. (Member, Executive Council.)
Rahman, Mr. A. F. (Dacca University.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Ray, Babu Abanish Chandra. [Birbhum (Non-Muhammadan).]
Ray, Babu Anilbaran. [Bankura West (Non-Muhammadan).]
Ray, Babu Nagendra Narayan [Rangpur (Non-Muhammadan).]
Ray, Babu Surendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Ray, Dr. Kumud Sankar. [Faridpur North (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia (Member, Executive Council.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
Ray Chaudhuri, Raja Manmatha Nath, of Santosh (Dacca land-holders.)
Roy, Babu Manmatha Nath. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Satcowripati. [Calcutta North-West (Non-Muhammadan).]
Roy, Dr. Bidhan Chandra. [24-Parganas Municipal North (Non-Muhammadan).]
Roy, Mr. D. N. [Jessore North (Non-Muhammadan).]
Roy, Mr. Kiran Sankar. [Dacca Rural (Non-Muhammadan).]
Roy, Mr. S. N., I.C.S. (Nominated Official.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)

Roy, Raja Maniloll Singh, C.I.E. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]
Roy Choudhuri, Rai Bahadur Satyendra Nath. [Bakarganj South (Non-Muhammadan).]

S

Salam, Khan Bahadur Maulvi Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Hemanta Kumar. [Nadia (Non-Muhammadan).]
Sarkar, Maulvi Allah Buksh. [Dacca City (Muhammadan).]
Sarker, Babu Naliniranjan. [Mymensingh East (Non-Muhammadan).]
Sasmal, Mr. B. N. [Midnapore South (Non-Muhammadan).]
Sen, Mr. N. C. [Bakarganj North (Non-Muhammadan).]
Sen-Gupta, Mr. J. M. [Chittagong (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Snaith, Mr. J. F. (Calcutta Trades.)
Stephenson, the Hon'ble Sir Hugh, K.C.I.E., C.S.I. (Member, Executive Council.)
Suhrawardy, Dr. A. [24-Parganas Rural (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Calcutta South (Muhammadan).]

T

Tarafdar, Maulvi Rajib Uddin. [Bogra (Muhammadan).]
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

V

Villiers, Mr. Edward. [Presidency and Burdwan (European).]

W

Wilson, Lt.-Col. R. P., C.I.E., I.R.C.S., D.P.H., V.H.S., I.M.S. (Nominated Official.)
Woodhead, Mr. J. A. (Nominated Official.)

Y

Yasin, Maulvi Muhammad. [Burdwan Division North (Muhammadan).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Eighteenth Session.)

VOLUME XVIII.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 12th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Sir EVAN COTTON, KT., C.I.E.) in the Chair, the four Hon'ble Members of the Executive Council, and 129 nominated and elected members.

Oath or Affirmation.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. J. H. LINDSAY, I.C.S.,

Mr. S. N. ROY, I.C.S.,

Mr. C. B. CHARTRES,

Mr. J. F. SMITH,

Mr. B. N. SASMAL

Obituary references.

Mr. PRESIDENT: Order, order. Gentlemen of the Council, it has become the settled practice of the Council that upon the opening day of a new session reference shall be made from the Chair to the death of past and present members of the Council which have taken place since the last meeting. Sir Steuart Bayley, who died on the 3rd of June last, was a member of the Bengal Legislative Council in the year 1877, but that, as members are aware, constituted merely a small fraction of his work for the province. He was Lieutenant-Governor from 1887 to 1890, and for the 15 years following he acted as Secretary to the

Political Department at the India Office and subsequently as a Member of the India Council. He has died full of years and honours, and it is interesting to remember that his coming to India was almost contemporaneous with the assumption of the Government by the Crown. He belonged to an old and distinguished Anglo-Indian family whose connection with Bengal has extended over great number of years.

We have also to mourn the loss of Mr. C. R. Das who died on the 16th of June last, and of Sir Surendra Nath Banerjea whose death took place only a few days ago—on the 6th of August. It is to me a melancholy reflection that on the last occasion upon which I shall address the Members of the Legislative Council from this place it should fall to my lot to express their feelings at the almost simultaneous death of two of Bengal's Political leaders.

I had the privilege of knowing Mr. Das when we were students together in England some thirty-five or thirty-six years ago, and he was enrolled as an Advocate of the High Court a year after myself. Sir Surendra Nath Banerjea had known me since my boyhood. Both were leaders of men in every sense of the word.

Leaders may be of many kinds, but the one attribute which is essential to success as a leader is a magnetic and commanding personality. This quality was possessed in the fullest degree by the two great men whose death we are deploring this afternoon. Their achievements in the field of politics must be and have indeed been already chronicled in other places. It is our sad business to-day to place upon record our feeling of the deepest sorrow at the fact that Bengal can no longer enjoy the benefit of their services.

Mr. Das had been a member of the Bengal Legislative Council since the year 1924 and the Council Chamber will seem a very different place without him. To me in his flowing robes he always conveyed the picture of a great Roman senator, and I used to sit and watch with admiration the consummate skill with which he led his party.

Of Sir Surendra Nath Banerjea we can truly say that during his long life of 78 years he stood for the whole history of politics in Bengal. He had a long tenure of office in the Bengal Legislative Council and was one of the first Ministers to be appointed under the Reform Act of 1919. The eloquence of these two great men was not alike, but there is not one of us who will not miss the silvery tongue of Sir Surendra Nath and the calm compelling voice of Mr. Das.

We are bound to-day by statute to hold the election of the President of the Council. But when that business is concluded, I feel that it will be entirely in accordance with the wishes of every member of the Council that the Council shall forthwith stand adjourned until to-morrow afternoon. I will now ask you, according to the usual practice,

to rise in your places as a mark of respect and with your permission I will convey to the relatives of our departed friends this expression of the sympathy of the Council.

(All the members then stood up.)

Mr. President. Thank you, gentlemen.

Election of President.

Mr. PRESIDENT: We will now proceed to the election of the President of this Council.

The following candidates have been nominated for the post of President of this Council:—

(*1*) Ray, Kumar Shib Shekhareswar—proposed by Mr. B. Chakravarti and seconded by Babu Akhil Chandra Datta.

(*2*) Salam, Khan Bahadur Maulvi Abdus—proposed by Khan Bahadur Mirza Shujaat Ali Beg, and seconded by Khan Bahadur S. Mahbooh Aley.

(*3*) Suhrawardy, Dr. A.—proposed by Babu Naliniranjan Sarker and seconded by Babu Manmohon Neogi.

Also proposed by Mr. J. M. Sen Gupta and seconded by Maulvi Najmuddin Ahmed.

Also proposed by Mr. S. N. Haldar and seconded by Mr. H. S. Suhrawardy.

Also proposed by Mr. K. C. Ray Chaudhuri and seconded by Babu Manmatha Nath Roy.

In the case of the ballotting for the President, the following procedure will be adopted, *viz.*:—

(*1*) Two ballot boxes have been provided—one in each of the lobbies, and so placed as to enable a member to record his vote screened from observation.

(*2*) Each member will be given his ballot paper as he enters the screened enclosure.

(*3*) Members in the West Block are requested to enter the "Aye" lobby by the door near the Western Gallery, record their votes in the screened enclosure provided and re-enter the Chamber by the door at the opposite end.

(*4*) Members in the North and East Blocks should proceed through the door at the lower end of the "No" lobby near the Eastern Gallery, similarly record their votes and enter the Chamber by the door at the upper end near the Western Gallery.

(5) Members are requested to indicate their preference on the ballot paper by marking a X against the name of the candidate for whom they wish to vote. They should not sign or initial the ballot paper.

A ballot was then taken and the result of the voting was as follows:—

(1) Kumar Shib Shekhareswar Ray (61 votes).

(2) Dr. A. Suhrawardy (59 votes).

(3) Khan Bahadur Maulvi Abdus Salam (8 votes).

Mr. PRESIDENT: Under the provisions of sub-section (5) of rule 5A of the Bengal Legislative Council Rules, it will be necessary to have another ballot, and I shall remove the name of Khan Bahadur Maulvi Abdus Salam. The ballot will now be between Kumar Shib Shekhareswar Ray and Dr. A. Suhrawardy.

A second ballot was then taken, and the result was as follows:—

(1) Kumar Shib Shekhareswar Ray (67 votes).

(2) Dr. A. Suhrawardy (61 votes).

(One ballot paper was rejected as invalid.)

Mr. PRESIDENT: The name of Kumar Shib Shekhareswar Ray, who has obtained the majority of votes, will be submitted to His Excellency the Governor for approval.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 13th August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 13th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Sir Evan Cotton) in the Chair, the four Hon'ble Members of the Executive Council and 121 nominated and elected members.

Mr. PRESIDENT (Sir Evan Cotton): Will Hon'ble members be good enough to remain standing while I read out the following message from His Excellency the Governor:—

"I approve the election of the Kumar Shib Shekhareswar Ray to the post of President of the Legislative Council.

LYTTON."

Sir EVAN COTTON: I would now ask the Hon'ble the President to take his seat.

The Hon'ble Kumar Shib Shekhareswar Ray then entered the Council Chamber in procession and was received by the retiring President at the presidential dais. The Hon'ble the President having shaken hands with Sir Evan Cotton, the latter left the Chamber in procession, all the members remaining standing.

Mr. PRESIDENT (the Hon'ble Kumar Shib Shekhareswar Ray): As I assume the duties of the office, on behalf of this Council I would like to express our thanks to our retiring President, Sir Evan Cotton. We are grateful to him for having come out to India at the call of duty and performing the by no means easy task of the presidentship of an infant Council, on sacrificing the peace and happiness of a contented life in England. He had successfully and admirably managed the affairs of this House in the face of most difficult circumstances, in its most strenuous days and our thanks are so due to him.

Personally speaking I am all the more grieved at this severance, for he is my father's friend and I have inherited, so to say, his affection which naturally flowed down to a friend's son. I have known him since my early boyhood and I had opportunities to know how noble, how good and what a great friend of India he is. Being my predecessor in office too, I look up to him as my guide, and may his example never cease to light me on my path of duty.

I think it would be ungrateful on my part not to make any mention of our first President, the late Nawab Sir Syed Shams-ul-Huda, for it was he who had first enunciated in this Hall, the fundamental principle underlying the duties of a President, *viz.*, to hold the balance

even between conflicting parties and be absolutely impartial in the discharge of his duties. The task of an elected President becomes still more onerous, when we consider that before being elected a President, he must have been a party man imbued with the bias and prejudices of the party he belongs, apart from the common failings as a man. But, let me assure you, that it shall be my best endeavour, to leave my personal and party predilections aside, and be fair and impartial in the performance of my duties, and I hope and trust that all of you, here, will help me in this.

Some members of this Council have approached me for permission to offer me felicitations. But, I am afraid, this is not the time nor the occasion for it. I shall only be thankful if I prove worthy of it and you can cherish the same sentiment towards me when, at the end of the term, we part. I am therefore sorry I cannot now comply with the request. The election itself proves that you repose some confidence in me and for it I am sincerely thankful to you all.

Death of a former Member.

Now, gentlemen, it is my sad duty to bring to the notice of the Council the death of an old member, Babu Mahendra Nath Roy. Babu Mahendra Nath Roy who has passed away to-day was a member of the Bengal Legislative Council under the old constitution from the 13th January, 1911, and continued as a member to the 2nd of January, 1921. Babu Mahendra Nath Roy was also for a long time the non-official Chairman of the Howrah Municipality, and his name is remembered there with gratitude for the ungrudging services he rendered to that Municipality. He was fittingly decorated by the Government with the Companionship of the Indian Empire in 1914. Babu Mahendra Nath Roy was very successful in his profession as a Vakil of the High Court. He was a great scholar and a mathematician. His son is at present a sitting member of this Council, and it is our melancholy duty to convey the Council's sympathy to him in his great bereavement. I would ask the members of the Council to rise in their places as a mark of their respect to our departed friend.

Panel of Chairmen.

In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session, namely,—

Babu Jatindra Nath Basu,

Maulvi Ekramul Huq,

Mr. G. Morgan, and

Raja Manmatha Nath Ray Chaudhuri, of Santosh.

Unless otherwise arranged, the senior member among them present in the above order named will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Starred Questions

(to which oral answers were given).

Seizure of certain documents belonging to one Ramanuja Kar by the Bankura Police.

*1. **Babu UMES CHANDRA CHATTERJEE:** (*a*) Is the Hon'ble the Member in charge of the Police Department aware that the Government Railway Police with the Town Police of Bankura searched the house of Babu Ramanuja Kar, a merchant of Bankura, on the 14th May, 1923, and took away some documents from his house?

(*b*) Is the Hon'ble the Member also aware that the police have not as yet returned the documents?

(*c*) Is the Hon'ble the Member aware—

(*i*) that the police gave some of the documents to the Bengal-Nagpur Railway Company; and

(*ii*) the Bankura pleader of the said Company filed them in a money suit No. 94 of 1924 in the 3rd Court of the Munsif of Bankura?

(*d*) If the answers to (*c*) are in the affirmative, will the Hon'ble the Member be pleased to state who authorised the police to do so?

(*e*) Will the Hon'ble the Member be pleased to state the reason why the police, instead of returning the documents to the owner, gave them to the aforesaid Railway Company?

(*f*) Is the Hon'ble the Member aware that Ramanuja Babu applied to the Superintendent of the Government Railway Police, Kharagpur, the Superintendent of Police, Bankura, and the District Magistrate of Bankura, for the recovery of the documents; but obtained no relief?

(*g*) Will the Hon'ble the Member be pleased to name the police officer who gave the documents to the Railway Company?

(*h*) Will the Hon'ble the Member be pleased to state whether they have any objection to return the documents to Ramanuja Babu?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) This was a search made by the Bengal-Nagpur Railway Police in a Railway Police case. Beyond the attendance of an Assistant Sub-Inspector at the search, the Bengal Police had no concern with it.

(*b*) to (*h*) The only documents or property which passed through the hands of the Bengal Police were two copy books, which were placed temporarily in the custody of the Bankura Court Police, and subsequently returned to Ramanuja Kar under the orders of the Court. Other papers were taken in custody by the Bengal-Nagpur Railway Police, who are under the administration of the Government of Bihar and Orissa.

Structural alterations in the Court rooms of the Vishnupur Munsifs.

***11. Babu UMES CHANDRA CHATTERJEE:** Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether there will be structural alterations this year in the Court rooms of the Munsifs of Vishnupur, as recommended by the Hon'ble the High Court?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): Detailed plan and estimate for this project have been called for. The allotment of funds for this particular work will depend upon its relative importance and urgency as compared with many other minor schemes.

Prosecution of Protap Chandra Guha Ray.

***111. Mr. S. N. HALDAR:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*a*) what amount of money was spent up to date on—

(*i*) lawyer's fees, and

(*ii*) other expenses

in prosecuting Protap Chandra Guha Ray for defamation;

(*b*) was any legal advice taken before starting the prosecution; if so, whose advice;

(*c*) who drafted the petition of complaint filed by Rashiuddin Khan, Sub-Inspector of Police, against Protap Chandra Guha Ray;

(*d*) did Rashiuddin Khan, Sub-Inspector, express any desire, either orally or in writing, to proceed against Protap Chandra Guha Ray; if so, to whom and when;

(*e*) at whose instance was the prosecution started against Protap Chandra Guha Ray;

(*f*) at whose instance was the Government pleader engaged to prosecute Protap Chandra Guha Ray for defamation; and

(*g*) at what stage of the proceedings was the Government pleader, Nalini Nath Sen, engaged in that case?

The Hon'ble Sir HUGH STEPHENSON: (*a*) (*i*) Rs. 6,775.

(*ii*) Rs. 440.

(*b*) to (*g*) At the instance of the local officers Government agreed to the prosecution, at public expense, of Protap Chandra Guha Ray for defaming police officers. Government have no further information of the details of the prosecution beyond what has appeared in the public press.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state the names of the local officers at whose instance this prosecution was started?

The Hon'ble Sir HUGH STEPHENSON: The correspondence on the subject was with the Commissioner.

Mr. Hogg and certain allegations connected with Charmanair incidents.

*IV. **Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) whether Mr. Hogg, then District Magistrate of Faridpur, made any inquiries into the allegations against the police regarding their doings in Charmanair in May 1923;

(*ii*) if so, in what capacity did he make such inquiries and was the inquiry made under the Criminal Procedure Code; and

(*iii*) did Mr. Hogg submit any written report as the result of such inquiry?

(*b*) Is the Hon'ble the Member considering the desirability of laying such report on the table and publishing the same in the *Calcutta Gazette* at an early date?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) Yes.

(*ii*) In his capacity as District Magistrate. When in the course of his inquiry an offence was complained of he examined the complainant under section 200 of the Criminal Procedure Code.

(*iii*) Yes.

(*b*) No.

Mr. S. N. HALDAR: Is the Hon'ble Member aware that the District Magistrate has got two functions, one in his executive capacity and the other in his judicial capacity? When the Hon'ble Member says "in his capacity as District Magistrate", I would like to know whether in his executive capacity or in his judicial capacity?

The Hon'ble Sir HUGH STEPHENSON: I have nothing to add.

Mr. S. N. HALDAR: Then with regard to the answer to question (*b*), will the Hon'ble Member give any reasons for his negative answer?

The Hon'ble Sir HUGH STEPHENSON: Yes. Mr. Hogg was naturally indignant at the way in which an attempt had been made to make political capital out of the incident. He expressed himself somewhat forcibly in his opinion of the conduct of those people who, while stating that they had definite information of definite offences, declined to assist him in his inquiries by giving him that information. I did not consider it desirable to publish this report of Mr. Hogg. I therefore issued a *communiqué* giving the detailed results of his inquiry. I fully sympathise with Mr. Hogg but have no desire even now to add to the considerable ill-feeling worked up about this case. But if the Hon'ble Member wishes to see the report, I shall be very happy to show it to him if he comes to my office.

Mr. S. N. HALDAR: May I know the reason of the ill-feeling and whether this is the only ground on which the Hon'ble Member refuses to publish the report of Mr. Hogg?

Mr. PRESIDENT: That is not a proper question.

Savings effected by Retrenchment.

***V. Mr. F. E. JAMES:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*a*) (*i*) the total savings recommended by the Bengal Retrenchment Committee; in

A.—Reserved, and

B.—Transferred Departments and

(*ii*) the total amount of the retrenchment effected by Government up to date in *A* and *B*, respectively?

(*b*) Whether the Government contemplate effecting further retrenchment on the lines of the Retrenchment Committee's Report?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. T. Emerson): (*a*) (*i*)—

A.—Reserved—Rs. 63,01,250.

B.—Transferred—Rs. 70,15,960.

Savings common to both the Reserved and Transferred Departments and not shown separately by the Retrenchment Committee—Rs. 31,36,500.

(*a*) (*ii*) The total amount of retrenchment effected up to the close of the financial year 1924-25, is, Reserved, Rs. 20,62,910; Transferred, Rs. 11,30,984. The full effect of the different measures of

retrenchment adopted has not been obtained. It is expected that the ultimate savings due to the measures already adopted will be Reserved, Rs. 21,81,542; Transferred, Rs. 15,68,328.

(*b*) Government have decided not to accept the proposal of the Retrenchment Committee for an all-round decrease in the pay of the Provincial Services, but the question of employing members of the Subordinate Civil Service on some of the duties now performed by members of the Provincial Civil Service is still under consideration. The possibility of a further reduction in the number of police-stations is under consideration, and it is hoped that further savings will be possible from the policy of pooling launches. In a few recommendations final decisions have not yet been reached.

Analysis of medicines to estimate the drug and alkaloidal contents.

***VI. Dr. H. W. B. MORENO:** (*a*) With reference to the Bengal Excise circular No. 911 R.E., dated the 29th November, 1924, requiring all medicines purporting to be B.P. to conform to that standard, will the Hon'ble the Member in charge of the Department of Agriculture and Industries (Excise) be pleased to state—

(*i*) whether he is aware that the processes for estimating the required drug and alkaloidal contents in medicines involve special pharmaceutical qualifications and high technical skill;

(*ii*) how many persons with these required qualifications are there in Bengal at the present time, to carry out this work; and

(*iii*) whether the Government consider that the existing Government laboratories are sufficient for the analysis contemplated by the above Excise order?

(*b*) If the answer to clause (*a*) (*iii*) is in the negative, will the Hon'ble the Member be pleased to state whether the Government are prepared to encourage any such existing institution, as the School of Chemical Technology, Calcutta, for the training of such pharmaceutical chemists and analysts, laying down a definite standard for the qualifying of such candidates?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (EXCISE) (the Hon'ble Mr. T. Emerson): (*a*) (*i*) Yes.

(*ii*) The number is not known to Government.

(*iii*) The Chemical Examiner and his staff at the combined Customs and Excise testing station in Calcutta are able to deal with the work.

(*b*) The question does not arise.

Anglo-Indian lady typists and stenographers in Government offices in Calcutta.

***VII. Dr. H. W. B. MORENO:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state the number of Anglo-Indian lady typists or stenographers employed in the several departments of the Government of Bengal, in Calcutta?

(*b*) Are the Government considering the desirability of mentioning specifically in advertisements for stenographers and typists, that applications from lady typists will be entertained?

The Hon'ble Mr. T. EMERSON: (*a*) One lady stenographer. No lady typist.

(*b*) No.

Dr. H. W. B. MORENO: Does the answer to my question (*b*) imply that Anglo-Indian lady typists and stenographers will not be entertained by Government, especially in view of the fact that a statement was made in this Council that they are not shut out from applying for such vacancies?

The Hon'ble Mr. T. EMERSON: My reply means simply what it says.

Transfer of Khan Sahib Abdul Gaffar, Police Magistrate, Alipore.

***VIII. Maulvi MD. NURUL HUQ CHAUDHURY:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state:—

(*i*) since when has Khan Sahib Abdul Gaffar, Police Magistrate, Alipore, been stationed at Alipore;

(*ii*) how many times was he under orders of transfer;

(*iii*) how many times were the orders cancelled; and

(*iv*) the reasons for the cancellation of the orders?

(*b*) Is it a fact that no Executive or Judicial Officer is permitted to remain at one station for more than three years?

(*c*) Are the Government considering the desirability of transferring the Khan Sahib from Alipore?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) Since August, 1922.

(*ii*), (*iii*) and (*iv*) Government do not consider that it is in the public interests to discuss questions of this nature.

(*b*) No. The period is at the discretion of Government, and depends on the nature of the post, the qualifications of the officer and the interests of the public service.

(*c*) No.

Lee Commission recommendations.

***IX. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether the recommendations of the Lee Public Services Commission as regards filling up listed posts in the Superior Civil Services by direct recruitment have been accepted?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state whether the recommendations have been carried out?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The orders of the Government of India have not yet been communicated to this Government.

(*b*) Does not arise.

Dr. PRAMATHANATH BANERJEA: Has the Government of Bengal sent any recommendation to the Government of India in this regard?

The Hon'ble Sir HUGH STEPHENSON: No.

Appointment from the Bar to the listed posts.

***X. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether the recommendations of the Islington Public Services Commission as regards the direct recruitment of practising lawyers to the posts of District Judges have been accepted?

(*b*) If so, will the Hon'ble the Member be pleased to state whether any minimum or maximum number of such appointments has been fixed by the Government of India or the Local Government and on what basis has the same been fixed?

(*c*) If no number has been fixed, what are the reasons therefor?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The member is referred to the orders contained in paragraph 11 of the Government of India, Home Department, Resolution No. 2559 (Establishments), dated the 1st December, 1920.

(*b*) No minimum number of such appointments has been fixed and the only statutory restriction on the power of local Government to make such appointments is the total number of judicial listed posts.

(*c*) The restriction mentioned in the answer to (*b*) above is further subject to the condition that such appointments must be made with due regard to the vested interests of the existing members of the Provincial Civil Service, and it is therefore impossible to fix definite numbers.

Extract from Home Department Resolution No. 2559, dated the 1st December, 1920, referred to in the reply to clause (a) of starred question No. X for the meeting of the 12th August, 1925.

11. *Appointments from the Bar.*—Local Governments already have power under the rules laid down in the Home Department notification No. 598, dated the 21st June, 1918, to appoint persons who are not members of the Provincial Civil Service up to one-fourth of the total number of listed appointments. This power will be utilized by them as an experimental measure to appoint District Judges direct from the Bar. It is hoped ultimately to fill not less than 40 posts in this way, should qualified men be available. Members of the Bar will, however, be appointed to posts in excess of 25 per cent. of the total number of such appointments, only as new posts are created, and with due regard to the claims of existing members of the Civil Services. Thus the rights of these officers will be duly safeguarded, as was expressly provided for by section 36 (2) of the Government of India Act, 1919; at the same time there will be no reduction in the number of posts open to men promoted from the Provincial Civil Service. Should the experiment prove successful (and on this point the opinion of High Courts will be ascertained from time to time) the full number, *i.e.*, 40, will eventually be made available for persons from the Bar. For the purposes of these appointments, Vakils and Advocates of High Courts and Pleaders of Chief Courts will be eligible as well as Barristers.

Mr. S. N. HALDAR: May I know whether ever since the appointment of one person from the Bar, there was absolutely no vacancy which could have been filled up by a member of the Bar?

The Hon'ble Sir HUGH STEPHENSON: There have been several vacancies in the listed posts, but these have been filled up from among the members of the Judicial Service.

Mr. S. N. HALDAR: Why not from the Bar?

Mr. PRESIDENT: I am afraid I cannot allow any argumentative questions.

Reservations in Government offices for employment of Anglo-Indians and depressed classes.

***XI. Dr. H. W. B. MORENO:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what

reservations, if any, have been made in the Government departments or in particular offices for the employment of—

(*i*) Anglo-Indians, and

(*ii*) the depressed classes?

(*b*) If so, what is the percentage of such reservations in the departments or offices concerned?

The Hon'ble Sir HUGH STEPHENSON: Government do not reserve any fixed proportion of posts in any department for Anglo-Indians or the depressed classes. The extent to which favourable treatment is accorded to these communities in the examination held for recruitment to the Bengal Civil Service (Executive), Bengal Excise Service, Subordinate Civil Service and the Upper Division of the Secretariat Clerical Service is as follows:—The Committee which selects candidates to sit for the examination is instructed to show every possible consideration to the claims of certain communities, which include the backward classes, as enumerated on page 189, Part I of the Calcutta University Commission's report, and Anglo-Indians. The Examining Board is instructed to submit to Government a separate list of qualified candidates composed of members of the backward classes and other minorities (including Anglo-Indians), and Government reserve the right to appoint any qualified candidate from that list.

Dr. H. W. B. MORENO: In the separate list of qualified candidates mentioned in the above answer, will the Hon'ble Member be pleased to state whether in the minorities stated as including Anglo-Indians, the names of Anglo-Indians are shown separately by themselves as such?

The Hon'ble Sir HUGH STEPHENSON: No.

Muhammadan Commissioners of Jessore Municipality.

***XII. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of elected and co-opted Moslem municipal commissioners; and

(*ii*) the total number of elected and co-opted commissioners;

of the Jessore Municipality?

(*b*) Will the Hon'ble the Member be pleased to state whether, in fixing the number of Muhammadan co-opted commissioners, the Government observed the rule that where in election the number of elected Muhammadan commissioners is very small, the deficiency should be made up by nomination or co-option, so as to make the number of Muhammadan commissioners, both elected and nominated or co-opted, *one-third* of the total number of commissioners?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of observing the rule in future?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) (*i*) 1 and 3, respectively.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) 1 and 3, respectively.

(*ii*) 12 and 6, respectively.

(*b*) There is no such rule. In extending the system of co-option to the Jessore Municipality Government issued instructions to the effect that the elected commissioners should select so many Muhammadans as the Magistrate would have nominated under the instructions laid down in Government circular No. 2T.M., dated the 2nd August, 1912, a copy of which is laid on the table. Before appointing the gentlemen co-opted by the elected Commissioners of the Jessore Municipality, Government were satisfied that they represented the various interests concerned and that adequate representation was secured for the Muhammadans on the Municipal Board.

(*c*) The question does not arise.

Circular No. 2 T.M., dated the 2nd August, 1912, referred to in the reply to clause (b) of starred question No. XII.

I am directed to address you on the subject of the principles that should be adopted in submitting recommendations to Government for the appointment of municipal commissioners. One-third of the number of such commissioners are under the law to be appointed by Government, and it is considered desirable that some indication should be given of the policy Government wish to adopt in making these nominations.

2. The object of retaining these nominations in the hands of Government is to enable them to correct possible inequalities in the operation of the elective system and to provide a necessary element of official experience in the corporation. The only difficulty that is likely to arise is with reference to what should be held to constitute an adequate representation of any particular community or interest and, while recognising that circumstances must differ in particular localities and that therefore no hard-and-fast rule can be enforced, Government desire to indicate generally the criterion which may properly be used to guide the local officers in this matter.

3. For the sake of simplicity the most common case of a municipality inhabited practically entirely by Muhammadans and Hindus may be taken as an illustration. In order to form an opinion as to

the proportional representation that each of these communities should rightly be given, statistics should be compiled to show—(1) population—(*a*) Muhammadans; (*b*) Hindus; (2) the number of voters—(*a*) Muhammadans; (*b*) Hindus; (3) the total rates paid by—(*a*) Muhammadans; (*b*) Hindus. These figures should be carefully considered by the local officer and, although it is not suggested that the tests thus provided are of equal value, they will serve to correct what might prove an erroneous view of the importance of one community or the other were the population test to be taken by itself. Having thus formed his view as to the proper portion of the representation to which each community is entitled, the local officer should use his nominations to correct any material variation from these proportions which may be shown by the results of the elections, after providing for the necessary element of official experience. After thus utilizing his nominations in the first instance, the residue, if any, should be distributed by him among various communities or interests in the way that may appear to him to be most equitable.

4. The case of Local Boards and District Boards is somewhat different and the tests are not so easy to apply, but an endeavour should be made to follow the same principles in dealing with nominations to these bodies also.

Maulvi ABDUL QUADER: Will the Hon'ble Member be pleased to state whether any inquiry was made by Government to ascertain if the number of co-opted Muhammadan members on the Municipal Board was 4 previously, that is, if the number of nominated Commissioners was 4?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: A full inquiry was made before a decision was arrived at.

Appointment of Muhammadans to head teachership in high and training schools.

***XIII. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether it is in the contemplation of the Government to appoint a Muhammadan either to the post of Assistant Head Master or to the post of Head Master in every Government high school and training school in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state when this will be carried into effect?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) Government have every desire to increase the number of Moslems holding higher posts in the Education Department, but they are unable to commit themselves to the definite

procedure proposed, in so far such a course would involve a disregard of the legitimate claims to promotion of non-Moslem officers already in the service.

(*b*) Does not arise.

Promotion of Muhammadan Kanungoes to Sub-Deputy Collectorship.

***XIV. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of Hindus and Muhammadans, separately, of the Bengal Settlement Kanungoes who have been promoted to the rank of Sub-Deputy Collector from 1918 to 1925?

(*b*) Is it a fact that no Muhammadan was promoted to the rank of Sub-Deputy Collector from the Settlement Kanungoes from 1923 to 1925, though half a dozen of such appointments were made and given to Hindus?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state the reason for not considering the claims of the Muhammadans?

(*d*) Are the Government considering the desirability of looking into the claims of the Muhammadans in future?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) A statement is laid on the table.

(*c*) and (*d*) The merits of Muhammadan officers are considered. It is the policy of Government to give preference to Muhammadans if this is necessary in order to secure certain proportions for appointment to Government service. When the question of promotion within the services arises, merit alone is considered.

Statement referred to in the reply to clauses (a) and (b) of starred question No. XIV showing the number of Hindu and Muhammadan Settlement Kanungoes promoted to the rank of Sub-Deputy Collector from 1918 to 1925.

YEAR.	Number of Hindu Settlement Kanungoes promoted to the rank of Sub-Deputy Collector.	Number of Muhammadan Settlement Kanungoes promoted to the rank of Sub-Deputy Collector.	Total.	Remarks.
1918 ..	Nil	Nil	Nil	
1919 ..	3	1	4	
1920 ..	3	1	4	
1921 ..	Nil	1	1	
1922 ..	3	Nil	3	Notified in 1923.
1923 ..	3	Nil	3	Notified in 1924.
1924 ..	2	Nil	2	Notified in 1925.
1925 ..	4	2	6	

Memori All-Bengal Ministerial Officers' Conference.

***XV. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether any memorial over the signature of Sir Deba Prasad Sarbadhikari, President, All-Bengal Ministerial Officers' Conference, held at Dacca in December last, was submitted to the Government?

(*b*) If so, what action has been taken on that memorial?

(*c*) If no action has been taken, are the Government considering the desirability of examining the memorial in all its aspects and of taking immediate steps to redress the grievances mentioned therein?

(*d*) Is it a fact that there has been an abnormal rise in the price of staple food-crops?

(*e*) If no immediate steps can be taken, are the Government considering the desirability of granting an *ad-interim* allowance pending the final disposal of the memorial?

The Hon'ble Mr. T. EMERSON: (*a*) Yes.

(*b*) Government have considered the memorial and have sent a reply to the Hon'ble Dr. Sir Deva Prasad Sarvadhikary.

(*c*) Does not arise.

(*d*) Government have no such information.

(*e*) Does not arise.

Percentage limitations imposed on the time-scale of pay of ministerial officers.

***XVI. Rai SATYENDRA NATH ROY CHAUDHURI Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether the Government are aware that many ministerial officers have suffered owing to percentage limitations insisted on at the time of introduction of the time-scale of pay?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of making an inquiry to ascertain—

(*i*) the number of persons who have suffered; and

(*ii*) to what extent?

(*c*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of removing the grievance?

The Hon'ble Mr. T. EMERSON: (*a*) and (*b*) Government are aware that the percentage limitations imposed by paragraph 5 (*h*) of resolution No. 10278 F., of 17th July, 1922, have in a number of cases limited

the increase of pay that would otherwise have been admissible, but cannot agree that this limitation involved any hardship to the officers concerned.

(c) Does not arise.

The rate of increment of pay of lower grade ministerial officers.

***XVII. Rai SATYENDRA NATH ROY CHAUDHURI Bahadur:** (a) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that the rate of increment of Rs. 3 in two years after 14 years' service in the scale of Rs. 35—35—40—2—68—3/2—80 for the officers of the lower grade of the ministerial service has been found to be inadequate and has caused hardship to those officers who have to meet extra expenditure owing to increases in their family members?

(b) If the answer to (a) is in the affirmative, are the Government proposing taking immediate action for the removal of the hardship?

(c) If the Government have doubts to the correctness of the fact stated in (a), are they considering the desirability of inviting opinion of the heads of departments on the matter?

The Hon'ble Mr. T. EMERSON: (a) Government do not consider the rate of increment inadequate.

(b) and (c) Do not arise.

Use of indigenous articles in Government Offices.

***XVIII. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state:—

(i) whether the Government are considering the desirability of using country-made articles, if available, in the departments and offices under the Government of Bengal; and

(ii) what steps the Government are proposing to take in this matter?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. T. Emerson): (i) and (ii) The question of framing rules for the supply of articles for the public service is under the consideration of Government.

Discharged circle school pandits.

***XIX. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur:** (a) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether it is a fact that a number of

circle school pandits after serving the Government for more than 15 years have been discharged from their services on the abolition of circle schools due to retrenchment?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking speedy steps to employ them in some other departments of the Government or as pandits in guru-training and other Government schools?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes. Government have decided that circle schools should be reduced to the status of primary schools and handed over to local bodies with suitable grants.

(*b*) Circle school pandits who have been ordered to retire will be granted the pension or gratuity which will be admissible under the rules. In order to avoid unnecessary hardship, the Divisional Inspectors of Schools have been instructed to provide as many as possible of these pandits with suitable teaching and clerical appointments in the Education Department.

Health of Detenue Mr. S. C. Bose.

***XX. Babu HEMANTA KUMAR SARKAR:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that Mr. Subhas Chandra Bose, a political prisoner in the Mandalaya Jail, Burma, has lost 10 lbs. in weight since being placed in custody and has been suffering from insomnia, indigestion and rheumatic pain in the back-bone?

(*b*) Is it a fact that he was accommodated in a sort of wooden cage during the dusty summer of Mandalay when the temperature used to rise to 120 degrees?

The Hon'ble Sir HUGH STEPHENSON: (*a*) According to the last monthly report received from the medical officer at Mandalay, dated the 30th June, 1925, Mr. Bose now weighs 10 lbs. more than when he was arrested. He has had occasional indigestion and complained of a pain in the back, but his general health has throughout been described as satisfactory by the reporting medical officers.

(*b*) No.

Extension of service of Khan Bahadur Aminul Islam, Inspector-General of Registration.

***XXI. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state what is the usual term of office of the Inspector-General of Registration?

(*b*) How long has Khan Bahadur Aminul Islam been holding tha post?

(*c*) Is it a fact that the Hon'ble Mr. Fazl-ul-Huq, the then Ministe in charge, stated in the Council that the term of office of Khan Bahadu Aminul Islam as Inspector-General of Registration had been extende by a short period?

(*d*) Has any further extension been granted to him?

(*e*) If so, what is the period of such extension?

(*f*) Is it a fact that the post of Inspector-General of Registratio is reserved for senior members of the Bengal Civil Service as a rewar for meritorious services?

(*g*) Is it a fact that the retention of one incumbent beyond th usual term of office has the effect of depriving other eligible officer who have to retire without enjoying any prize post?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) There is no Governmen order fixing the term of the office of the Inspector-General of Registra tion. The list below shows the periods for which some of the predeces sors of Khan Bahadur Aminul Islam held the office of the Inspector General of Registration:—

(1) Nawab Saiyid Amir Hossain—From 18th May, 1893, to 27tl December, 1893, and again from 10th April, 1894, to 30tl June, 1894.

(2) Kumar Gopendra Krishna Deb—From 1st July, 1894, to 26tl March, 1895.

(3) Khan Bahadur Dilwar Hossain Ahmed—From 27th March 1895, to 5th April, 1900.

(4) Mr. T. K. Ghosh (born 28th January, 1848; had four extensions of service)—From 6th April, 1900, to 27th January 1907.

(5) Nawab Sayid Muhammad Khan Bahadur (born 22nd January 1850; had seven extensions of service)—From 28th January 1907, to 31st March 1922.

(6) Rai P. N. Mookherji Bahadur (born 22nd February, 1861; had three extensions of service)—From 1st April, 1912, to 21st February, 1919.

(*b*) Khan Bahadur Aminul Islam has been holding the post of the Inspector-General of Registration since 22nd February, 1919.

(*c*) Yes. Mr. Fazl-ul-Huq stated in Council that the term of the office of Khan Bahadur Aminul Islam had been extended by a limited period.

(*d*) and (*e*) The question of granting a further extension to Khan Bahadur Aminul Islam has not arisen yet.

(*f*) The post of the Inspector-General was thrown open to members of the Bengal Civil Service in 1893, and deserving men of the Service were appointed to it.

(*g*) The question does not arise, as no term has been fixed.

Mr. S. N. HALDAR: May I ask a supplementary question? Is there any special reason for having granted such an extension to the Khan Bahadur?

The Hon'ble Sir ABD-UR-RAHIM: I ask for notice of this question.

Grand Trunk Road.

***XII. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble the Member in charge of the Department of Public Works be pleased to state what amount has been allotted this year for the repairs of the Grand Trunk Road from Howrah to Bandel?

(*b*) What steps, if any, have been taken to remove the present unsatisfactory condition of this road, especially of the portion from Howrah to Bandel?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. T. Emerson): (*a*) A sum of Rs. 48,700 has already been either allotted or earmarked this year for ordinary repairs to the Grand Trunk Road from Howrah to Bandel.

(*b*) A scheme for improving and widening the metalled portion of the road from Howrah to Palta Ghat (19¾th mile) has been administratively approved at a total estimated cost of Rs. 3,91,300 and there is a budget provision of 2 lakhs this year for expenditure on the work, which is now in progress. The condition of the road from Palta Ghat to Bandel is reported to be satisfactory.

Santragachi-Bistoopur Chord Railway project.

***XXIII. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble the Member in charge of the Department of Public Works be pleased to state whether the project of the Santragachi-Bistoopur Chord line (Bengal-Nagpur Railway), sanctioned some time ago, will be given effect to soon?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state when the matter is expected to be taken in hand?

The Hon'ble Mr. T. EMERSON: (*a*) and (*b*) The Railway Board have decided to defer further consideration of this project for a time in order to watch the flow of trade and the development of suburban passenger traffic.

Transfer of Sub-Registrars.

***XXIV. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether the power of transferring Sub-Registrars has been delegated to the Inspector-General of Registration?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing separately how many permanent Sub-Registrars were transferred—

(*i*) during the five years previous to the appointment of Khan Bahadur Aminul Islam as Inspector-General; and

(*ii*) during the first five years after he took over charge of the department?

(*c*) Is it a fact that Sub-Registrars are often transferred without previous consultation with and sometimes against the wishes of the District Registrars?

(*d*) Is it a fact that the policy pursued by Khan Bahadur Aminul Islam in transferring Sub-Registrars has evoked criticism and has created discontent?

(*e*) If the answer to (*d*) is in the negative, are the Government considering the desirability of enquiring of the District Registrars?

(*f*) Will the Hon'ble the Member be pleased to lay on the table a statement showing

(*i*) the names of Sub-Registrars, if any, closely or distantly related to Khan Bahadur Aminul Islam;

(*ii*) the names of the stations to which they are posted; and

(*iii*) the dates of their postings?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The power of transferring Sub-Registrars was delegated to the Inspector-General of Registration, Bengal, by Notification No. 1017, dated the 29th January, 1918.

(*b*) (*i*) and (*ii*) A statement is laid on the table.

(*c*) The answer is in the negative.

(*d*) No new policy in regard to transfers of Sub-Registrars is being pursued by Khan Bahadur Aminul Islam and Government are not aware that it has evoked criticism and created discontent.

(*e*) No.

(*f*) (*i*), (*ii*) and (*iii*) A tabular statement is laid on the table.

Statement referred to in the reply to clause (b) of starred question No. XXIV, showing transfers of Sub-Registrars made during the years 1914 to 1923.

DURING THE TENURE OF OFFICE OF RAI PRIYA NATH MUKHERJEE BAHADUR.

1914	94
1915 (figures from April to June not available) ..	51
1916 (figures from July to September not available) ..	64
1917	146
1918	117
1919 (from January to 21st February)	18

DURING THE TENURE OF OFFICE OF KHAN BAHADUR AMINUL ISLAM.

1919 (from 22nd February to December)	79
1920	129
1921	133
1922	117
1923	121

Statement referred to in the reply to clause (f) of starred question No. XXIV.

Names of Sub-Registrars closely or distantly related to Khan Bahadur Aminul Islam.	Station.	Date of posting.
1. Maulvi Shariful Islam (closely related).	Nabinagar (Tippera)	30th May, 1921.
2. Habibur Rahman, Probationary Sub-Registrar (closely related).	Comilla (Headquarters).	Officiating at Sarail in Tippera from 6th July, 1925.
3. Abu Ahmad Abdullah (distantly related).	Madaripur (Faridpur).	2nd January, 1924.
4. Maulvi Wajehuddin Ahmad, Probationary Sub-Registrar (distantly related).	Comilla (Headquarters).	Officiating at Budhanti, in Tippera, from 20th March, 1925.

Unstarred Questions

(answers to which were laid on the table).

Coal industry.

1. **Babu AMULYA DHONE ADDY:** Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state what steps, if any, have been taken by the Local Government on the recommendations of the Indian Coal Committee for the development of the coal industry of Bengal?

The Hon'ble Mr. T. EMERSON: No action has been taken by the Local Government. The Committee's report is under consideration by the Government of India who appointed the Committee.

Babu AMULYA DHONE ADDY: May I ask the Hon'ble Member in charge to make a representation to the Government of India to expedite the matter?

Mr. PRESIDENT: You should put your question in the proper form. You cannot make a request. Order, order. Please pass on to the next question.

Waiting-rooms at Khulna Steamer Ghat.

2. Maulvi SAYYED SULTAN ALI: (*a*) Has the attention of the Hon'ble the Member in charge of the Marine Department been drawn to the inconvenience of passengers of steamers for want of any shade at the Khulna steamer ghat?

(*b*) If so, will the Hon'ble the Member be pleased to state what steps, if any, have been or are likely to be taken to remove the same?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. T. Emerson): (*a*) Government have been informed that there are no waiting-rooms at Khulna steamer ghat.

(*b*) No action on the part of Government is contemplated, as intending passengers go on board at once, or utilize the waiting-rooms at the Eastern Bengal Railway station or the neighbouring hotel.

Reclamation of the Saraswati.

3. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state the progress made up to date in the scheme for the reclamation of the river Saraswati?

(*b*) Will the Hon'ble the Member be pleased to state whether there is any chance of the work being taken in hand in the near future?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Certain modifications will be made before the monsoon of 1926 to the Jamalpur sluice in the Burdwan district to enable an additional volume of water to be supplied to the Saraswati.

Some of the bars in the Saraswati will also be cleared and the dense jungle on the banks cut.

(*b*) These works will be taken up after the current monsoon.

Discharged probationers of Civil Courts in Rangpur.

4. Maulvi MAHI UDDIN KHAN: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that several petitions were submitted to the Government in September, 1924, by the discharged probationers of the Civil Courts in the district of Rangpur?

(*b*) If so, what steps, if any, were taken by the Government to redress the grievances of the said probationers?

(*c*) Is it the intention of the Government to take into consideration the superior educational qualifications, office experience and length of service of the discharged probationers, now serving as additional clerks, and give them first claim to appointments as probationers to be made in the district of Rangpur in the near future in preference to the claims of new recruits?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Yes.

(*b*) They have been retained as additional clerks.

(*c*) Government are unable to make any such promise. They are under an obligation to provide suitably for such permanent officers as lost their appointment owing to retrenchment.

Proposed Bureau for recruitment of lascars.

5. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Marine Department be pleased to state what progress, if any, has been made regarding the constitution of the proposed Bureau at the Shipping Office for recruitment of lascars without the assistance of licensed shipping brokers?

The Hon'ble Mr. T. EMERSON: The matter is still under the consideration of Government.

Indian mercantile and industrial representation on the Calcutta Port Commission.

6. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Marine Department be pleased to state what steps, if

any, are being proposed for the increase in the number of members of the Calcutta Port Commission so as to have an adequate representation of Indian trade, commerce and industry of Bengal in the said Commission?

The Hon'ble Mr. T. EMERSON: The member is referred to the answer given to unstarred question No. 13 at the meeting of the 17th February last.

Babu AMULYA DHONE ADDY: Our attention has been drawn to the answer given to Unstarred question No. 13 at the meeting of the 17th of February last. It appears from that answer that the whole question is under the consideration of the Government of India. May I ask the Hon'ble Member in charge to expedite the matter?

Mr. PRESIDENT: You cannot make a request Mr. Addy. Please pass on to the next question.

Establishment of medical schools with hospitals.

7. **Babu AMULYA DHONE ADDY:** Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state what steps have been taken during the last three years and what further steps are proposed to be taken during the current official year for the establishment of medical schools with hospitals in the several parts of Bengal?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: As a result of the Medical School Committee's Report, Government took up the question of establishing additional medical schools. A school was opened at Mymensingh; the hospital was constructed by means of generous local contributions and a substantial portion of the initial cost of the school was also raised locally. The recurring cost of the school is met by Government. A programme for the establishment of new medical schools, provisionally approved by Government, gave priority to Chittagong, Jalpaiguri and Berhampore.

Estimates were framed and Government have since been in negotiation with local committees in these terms. These committees have prepared schemes for financing locally a portion of the cost of the schemes. The conditions with which local committees must comply were laid down by His Excellency Lord Lytton in replying to an address at Jalpaiguri, and are as follows:—

Firstly.—The hospital must be enlarged to provide 100 beds and brought up to the necessary standard of efficiency.

Secondly.—It must be endowed or provision made in some other way for its recurring charges.

Thirdly.—A substantial contribution must be made to the capital cost of the school. (When this has been done, Government will help by undertaking responsibility for the rest of the capital cost and the maintenance charges of the school.)

In Jalpaiguri Rs. 95,000 odd has been raised by public subscriptions towards the cost of extending the hospital and constructing a school; in Chittagong, certain contributions have been locally promised, and in Berhampore an appeal for local subscriptions has issued.

Government have decided to offer to establish new medical schools in Chittagong and Jalpaiguri on the terms laid down by His Excellency Lord Lytton, if the local committee satisfies Government within a stated date of its capacity to co-operate with Government to the extent thus required in establishing a medical school and enlarging the local hospital. Government expect to make provision in the budget estimates of 1926-27 for these two schools. If Chittagong or Jalpaiguri is unable to avail itself of the offer made, the opportunity of obtaining a medical school will be offered to other districts in which local committees have already been formed to prepare schemes.

Tolly's Nala and Magra Hat Khal.

8. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps have been taken or are proposed to be taken for the re-excavation of the Tolly's Nala and Magra Hat Khal and also for making the Tolly's Nala navigable for country boats plying from the eastern districts of Bengal as before?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the amount of tolls realised for traffic on the Tolly's Nala during the last 15 years, year by year?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Tolly's Nala has recently been re-excavated between Tollygunge and Garia. It is not intended to re-excavate the portion to the east of Garia. The Magra Hat Khal will be silt cleared as funds become available.

It is not the intention of Government to re-open Tolly's Nala for boats plying from the eastern districts in view of the large expense involved of maintaining the route and of the condition of the Bidyadhari.

(*b*) A statement is laid on the table.

Statement referred to in the reply to clause (b) of unstarred question No. 8, showing the gross toll receipts from the Tolly's Nala for the last 15 years.

		Rs.
1910-11	...	86,372
1911-12	...	93,404
1912-13	...	80,723
1913-14	...	65,702
1914-15	...	53,413
1915-16	...	54,148
1916-17	...	48,290
1917-18	...	52,345
1918-19	...	85,036
1919-20	...	66,959
1920-21	...	62,430
1921-22	..	63,873
1922-23	...	74,145
1923-24	...	82,001
1924-25	..	1,18,762

Absence of electric light and fan in the Magisterial Courts at Alipore.

9. Babu AMULYA DHONE ADDY: (*a*) Has the attention of the Hon'ble the Member in charge of the Revenue Department been drawn to the absence of electric light and fan in the Courts of the Collector and Magistrate of the district of the 24-Parganas in Alipore?

(*b*) Is the Hon'ble the Member aware that this causes inconvenience and suffering to the officers of Government, pleaders, suitors and other persons who resort to the said Courts?

(*c*) If so, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of issuing orders for the provision of electric lights and fans at an early date?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) *Yes.*

(*b*) and (*c*) An estimate amounting to Rs. 42,000 has been approved by Government, but it has not yet been possible to provide funds.

Entertainment tax.

10. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state what action has been taken or is proposed to be taken under sub-section (2) of section 8 of the Bengal Amusements Tax Act, 1922, to

exempt theatres, cinemas and other forms of entertainment from the liability of the Amusements Tax Act and restricting the operation of the said tax to race-courses and betting transactions on race-courses, on the grounds stated at a meeting of the Bengal Legislative Council by Mr. J. Campbell Forrester, a member of the said Council?

The Hon'ble Mr. T. EMERSON: None.

Donald Committee's recommendations.

11. Maulvi SAYYED SULTAN ALI: Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what were the recommendations of the Donald Committee as regards:—

(*i*) the reduction of the cadre of the Bengal Civil Service (Executive);

(*ii*) the proportionate increase in the cadre of the Subordinate Civil Service; and

(*iii*) the salary for the Subordinate Civil Service?

The Hon'ble Sir HUGH STEPHENSON: The member is referred to the report of the Committee, which is laid on the Library table.

Donald Committee's recommendations as to the pay of Subordinate Civil Service.

12. Maulvi SAYYED SULTAN ALI: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether the majority of the Donald Committee recommended an increase in the emoluments of the Subordinate Civil Service?

(*b*) If so, what was the scale of pay suggested?

The Hon'ble Sir HUGH STEPHENSON: The member is referred to the report of the Committee, which is laid on the Library table.

Telegraph office at Mehendiganj thana.

13. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble the Member in charge of the Department of Commerce be pleased to lay on the table a statement showing separately for the Sadar and other three subdivisions of the Bakarganj district the names of the thanas which have got no telegraph office?

(*b*) Are the Government considering the desirability of moving the proper authorities to open a telegraph office at the Mehendiganj thana of the said district?

The Hon'ble Mr. T. EMERSON: (*a*) The information desired will be found at pages 474 and 475 of the Bengal Civil List, corrected up to the 1st July, 1925.

(*b*) No.

Criminal cases in Mehendiganj thana.

14. Maulvi FAZLAL KARIM CHOWDHURY: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing:—

(*i*) the number of criminal cases that were brought to notice in the Mehendiganj thana of the Bakarganj district, under the following heads: (*a*) murder, (*b*) dacoity, (*c*) theft and (*d*) rioting, in the years from 1922 to 1925 (up to July); and

(*ii*) the number of such cases sent up by the police for trial and the number in which the accused were convicted from 1924 to July 1925?

The Hon'ble Sir HUGH STEPHENSON: (*i*) and (*ii*) A statement giving the information is laid on the table.

Statement referred to in the reply to unstarred question No. 14, showing crime in Mehendiganj police-station in the district of Bakarganj during 1922-25 (up to date).

Crime.	Number of cases reported in—				Number of cases sent up by the police for trial in—		Number of cases ending in conviction		Number of cases pending—			
									Police investigation		Trial	
	1922.	1923.	1924.	1925 (up to 14th July).	1924	1925 (up to 14th July).	1924	1925 (up to 14th July)	1924	1925	1924.	1925.
Murder ..	1	2	3	5	3	3	1	..	..	2	..	3
Dacoity ..	1	1	1	..	1	..	1	..	..	..	..	..
Theft ..	48	35	40	13	10	4	9	4	..	..	1	..
Rioting ..	3	5	2	5	2	4	1	..	..	1	1	4

Steamer service for Chikandi.

15. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that two steamers run daily between Madaripur and Tarpassa and that for the last four or five years both the steamers used to touch at the Chikandi Civil Courts?

(*b*) Is the Hon'ble the Member aware that one of the steamers has ceased to touch at the Chikandi station from 1924?

(c) Is the Hon'ble the Member aware that the abolition of the stoppage of one of the steamers at the Chikandi station has caused inconvenience to the public?

(d) Is the Hon'ble the Member aware of the representations made by the public, through the Subdivisional Officer, Madaripur, and other channels for the stoppage of the steamer?

(e) Is it not a fact that there are six sub-agency stations between Madaripur and Tarpassa and that Chikandi is the only station where one of the steamers does not call?

(f) Is the Hon'ble the Member considering the desirability of drawing the attention of the steamer company with a view to the stoppage of both the steamers at the Chikandi station?

The Hon'ble Mr. T. EMERSON: (a) and (b) Yes.

(c) Government are informed that the express service steamers running between Tarpassa and Madaripur ceased to call at Chikandi in June, 1924, as it was essential in the public interest that the service should continue to run to good time. Chikandi is, Government understand, adequately served by intermediate service steamers.

(d) and (e) Government have no information.

(f) In view of the reply to (c) no action is contemplated on the part of Government.

Provincial Judicial Service.

16. Babu BORODA PROSAD DEY: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it has been ascertained that there are more officers in the Bengal Provincial Judicial Service than are required for the work to be done by them ?

(b) Are the Government considering the desirability of calling for statistics of cases, together with the opinion of the judicial head of each district?

The Hon'ble Sir ABD-UR-RAHIM: (a) and (b) No.

Babu BORODA PROSAD DEY: Am I to understand that it has been ascertained or having ascertained the answer is "No".

The Hon'ble Sir ABD-UR-RAHIM: The question has been investigated and the answer is in the negative.

Bengal Executive Service.

17. Babu BORODA PROSAD DEY: (a) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state

whether it has been ascertained that there are more officers in the Bengal Provincial Executive Service than are required for the work to be done by them?

(*b*) Are the Government considering the desirability of calling for statistics of cases, together with the opinion of the executive head of each district?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) No. On the contrary, Government has for some years been faced with the necessity of increasing the service to cope with the growing volume of work. The question whether any of this work can be done by a cheaper agency has been recently under the consideration of Government.

Dankuni Canal.

18. Babu TARAKNATH MUKERJEA: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what further steps have been taken for the re-excavation of the Dankuni Khal (from Baidyabati to Bally) in the district of Hooghly?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The work will be taken up next cold weather.

Transfer of Muhammadan Subdivisional Officers from Jessore.

19. Maulvi ABDUL QUADER: (*a*) Is the Hon'ble the Member in charge of the Appointment Department aware that Babu Anadi Nath Sen, the present Subdivisional Officer of Bongaon, in the district of Jessore, is a native of Paigram, a village very close to the Sadar and Narail subdivisions of the Jessore district, and that, previous to his appointment at Bongaon, he was the Subdivisional Officer of Magura in the same district for several years?

(*b*) Is it a fact that the newly appointed Subdivisional Officer of Magura is a Hindu gentleman, who is a native of Kalia, in the Jessore district?

(*c*) Is the Hon'ble the Member aware that Mr. Nurannabi Chaudhuri, I.C.S., formerly Subdivisional Officer of Jhenida, Jessore district, was transferred from this district after a year's service and that Maulvi Kalimuddin Ahmad, Subdivisional Officer of Magura, has just been transferred within two years of his service in this district and that both these Muhammadan gentlemen are natives of the Rajshahi Division?

(*d*) Will the Hon'ble the Member be pleased to state the reasons why Muhammadan officers belonging to different remote districts serving in the Jessore district have so soon been transferred while Hindu

officers belonging to the Jessore district or to a neighbouring district are posted as Subdivisional Officers and even kept for a long time as Subdivisional Officers of two subdivisions in the same district?

(*e*) Will the Hon'ble the Member be also pleased to state the reasons why at present there is not a single Muhammadan Subdivisional Officer in any one of the five subdivisions of the Jessore district?

(*f*) Are the Government considering the desirability of removing the grievances of the Muhammadans of the Jessore district in this matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*f*) The facts stated in this question are substantially correct. Officers are posted to subdivisions by Government on consideration of public interest and with due regard to the officers, from time to time available. Requests for Muhammadan officers are complied with when such officers are available and they can be posted to particular stations compatibly with the public interest, but Government do not undertake to find a Muhammadan officer for any specific station. There is no foundation for the suggestions which have been made to the Chief Secretary that Maulvi Kalimuddin Ahmad was transferred on account of any complaint against him. There has been no such complaint; on the other hand, he is reported to have done good work at Magura.

Superintendent and Deputy Superintendent of Police in Jessore District.

20. Maulvi ABDUL QUADER: (*a*) Is the Hon'ble the Member in charge of the Appointment Department aware that both the Superintendent and Deputy Superintendent of Police in the district of Jessore are Hindus?

(*b*) Is the Hon'ble the Member aware that Muhammadans form two-thirds of the population of the said district?

(*c*) Is it a fact that there is a feeling of dissatisfaction amongst the Muhammadans of the district, owing to the absence of any Muhammadan officer as Superintendent or Deputy Superintendent of Police?

(*d*) Are the Government considering the desirability of posting a Muhammadan as Superintendent or Deputy Superintendent of Police in the district of Jessore in the near future?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) The proportions mentioned in the question slightly overstate the proportion of Muhammadans.

(*c*) Government are not aware of it.

(*d*) No.

Accident in a Serampore Jute Mill.

21. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state—

(*i*) what are the facts regarding the death on the 10th June, 1925, of the three mill-hands of the India Jute Mill Company, Limited, Serampore, who were found suffocated in a pit adjoining the mill;

(*ii*) what compensation, if any, has been paid to the dependants of the deceased; and

(*iii*) what steps, if any, have been taken to prevent a repetition of the accident?

The Hon'ble Mr. T. EMERSON: (*i*) A mistry, who was working on piping at the surface of an old well that had recently been brought into use, dropped his footrule into the well. He placed a ladder in the well and climbed down to recover the foot-rule. When some way down the ladder, he fell to the bottom of the well. A coolie who was watching him descended the ladder to go to his assistance, and also fell to the bottom, after going some distance down. A sirdar attempted to go to their assistance, and the same happened to him. The three bodies were brought to the surface, and attempts to revive them were unsuccessful. The well was found to contain asphyxiating gas, a lighted flame going out in it at a depth of 3 feet. The gas is believed to have generated in the surrounding soil and to have percolated into the well through chinks in the wall.

(*ii*) None. The matter is pending before the Commissioner of Workmen's Compensation.

(*iii*) The mill authorities have filled the well up with ashes and placed it out of use.

Causes of strike in Rishra Jute Mills.

22. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state what were the causes of the strike of mill-hands of the Presidency Jute Mills at Rishra, which occurred on the 19th of May?

The Hon'ble Mr. T. EMERSON: In the absence of serious public reasons for doing so, Government are not prepared to publish their information regarding the causes of particular strikes.

Detective staff in districts.

23. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state:—

(*i*) whether it is a fact that the majority of premeditated and preconcerted crimes of a serious and heinous nature remain undetected and that this is due in every district to the want of an adequate detective staff; and

(*ii*) whether it is a fact that the ordinary police officers, being engaged in administrative and clerical duties, are able to devote little time for the detection of crimes, as also for the preparation of proper records necessary for detecting preconcerted crimes?

(*b*) Is it a fact that experience has shown that the Reserve Police Sub-Inspectors generally are discontented with the clerical part of their duties?

(*c*) Are the Government considering the desirability of appointing a committee composed of officials and non-officials for reorganizing the department with a view to strengthening the ordinary detection department, either by separating it from the administrative staff or by employing in it more talented and trained officers of detective ability?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The member is referred to the answer given to the unstarred question No. 23 asked by him at the meeting of the Bengal Legislative Council held on the 26th August, 1924.

(*b*) Government are not aware of any such feeling among Reserve Sub-Inspectors.

(*c*) Government do not consider that such a committee would serve any useful purpose.

Reduction in the piece-work establishment in the Bengal Government Press.

24. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state:—

(*i*) whether there has been any reduction in the piece-work establishment of the Bengal Government Press;

(*ii*) if so, the reason for the same; and

(*iii*) the exact number of the piece-workers who have been so dealt with?

(*b*) Are the Government contemplating further reductions in the piece-work establishment?

(*c*) Has any reduction been effected in any other department of the Press?

(*d*) What is the respective strength of permanent and temporary hands in the piece-work establishment in the Bengal Government Press?

(*e*) What is the number of piece-work compositors who have applied for pensions and the number of those who were granted pensions during the years 1922 and 1923, respectively.

(*f*) What is the number of permanent members of the piece-work establishment who have been granted pensions during the aforesaid period?

(*g*) Is it a fact that there is no provision in the Bengal Government Press for the annual classification of men employed on piece-work, such as obtains in the Government of India Printing Press, Calcutta?

(*h*) If so, on what basis is their efficiency tested, and on what basis are their promotions given?

The Hon'ble Mr. T. EMERSON: (*a*) (*i*) Yes.

(*ii*) Falling off in the volume of work for hand compositors.

(*iii*) Thirty-six compositors and ten distributors.

(*b*) Yes, if work continues to fall.

(*c*) Yes, in the salaried establishment also.

(*d*) Piece permanent—313; piece temporary—308.

(*e*) Number of piece compositors who applied for pension—3 in 1922; 7 in 1923. Number granted pension—3 in 1922; 7 in 1923.

(*f*) 1922—3; 1923—7.

(*g*) and (*h*) There is provision for this in rule 37 of the Rules for the "Management of the Printing Department of this Government." The rule is as follows:—

"RULE 37.—When the average earnings of a man working on piece-rates, *i.e.*, excluding earnings on hour work, exceed the maximum of a higher grade, or fall below the minimum of his present or lower grade, he will be eligible for promotion, or liable to remand to the grade indicated by his average earnings (*i.e.*, to the grade the maximum of which is exceeded). This is ascertained by multiplying the total earnings of the previous 12 months by 25 and dividing the product by the number of days he worked during that period, reckoning 25 days of 7 hours each as the number of working days in a month, and the overtime of a morning or night as 3 hours. Fractions of a rupee are not taken into account in calculating a man's average earnings. For every promotion to a higher grade a man will be regraded yearly up to three

years from the date of such promotion. Men are eligible for promotion up to the following grades:—

	Grade. Rs.
Compositors	60
Distributors	18
Machinemen	30
Machine inkmen	14
Pressmen	20
Inkmen	14
Flyboys	10
Binders	30

Quick and correct work, as well as general conduct and attendance, will be considered before promoting a man to a higher grade. Men are liable to be remanded to a lower grade for careless work. As a rule, ungraded men are not employed on alterations; but they may be graded temporarily on the submission of three months' composition."

Cost of piece-work establishment and supervising staff in the Press.

25. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble the Member in charge of the Department of Finance, be pleased to state the cost of the piece establishment and supervising staff of the Press in the years 1905 and 1925, respectively?

(*b*) Will the Hon'ble the Member be pleased to state the cost of the final setting up of a forme by lino and mono and that by hand-compositors, respectively?

(*c*) Is it a fact that there is no provision for a Works Committee in the Bengal Government Press? If so, why?

(*d*) Will the Hon'ble the Member be pleased to state the scale of pay of the Superintendent and the Deputy Superintendent in the Press at present and previous to the year 1920, respectively?

The Hon'ble Mr. T. EMERSON: (*a*) The cost of the piece establishment and supervising staff of the Press in the years 1905-06 and 1923-25, respectively, was—

1905-06—figures not available; cost of piece establishment, 1924-25—Rs. 1,94,280; cost of supervising establishment, 1924-25—Rs. 35,172.

(*b*) It is impossible to give a reply to this question. The cost of setting up a forme must vary according to the nature of the matter, the amount of detail contained, and other similar consideration.

(*c*) There is at present no Works Committee. Employees have been assured that any grievance will receive full consideration by the Superintendent.

(*d*) Superintendent—(1919) Rs 800—40—1,000; (1924) Rs. 800—50—1,250 *plus* P.A. Rs. 100. Deputy Superintendent—(1919) Rs. 400—500; (1924) Rs. 550—40—750.

Cost of printing and the number of officers in the Press.

26. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the amount of printing, in terms of cost, done by the press during the period from 1910 to 1923, year by year; and

(*ii*) the number of Deputy Superintendents and Overseers employed in the Press in 1914 and at present?

(*b*) Is it a fact that formerly one Superintendent and one Deputy Superintendent used to supervise the work done by the Press for Bengal, Bihar and Orissa together?

The Hon'ble Mr. T. EMERSON: (*a*) (*i*) These figures are not available, as the costing system was introduced in the press with effect from 1924-25 only.

(*ii*) Number in 1914—Deputy Superintendents, 2; Overseers, 3. Number at present—Deputy Superintendents, 3; Overseers, 4.

(*b*) Prior to the 1st April, 1912, Bengal included Bihar and Orissa (but not Eastern Bengal). The work of the Government Press was then supervised by a Superintendent and a Deputy Superintendent.

Non-inclusion of piece-work compositors and binders in 1923 revision.

27. Babu HEMANTA KUMAR SARKAR: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that a general grade increment has recently been sanctioned to lino operators, printing machinemen and distributors, all of the piece-work establishment of the Press?

(*b*) Is it also a fact that the above increment has not been sanctioned to piece-work compositors and the members of the Binding Department?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble the Member be pleased to state the reasons for the differential treatment?

The Hon'ble Mr. T. EMERSON: (*a*) Yes. Grade increments were sanctioned for lino operators, machinemen and distributors of the Press in September, 1923.

(*b*) The grading of piece-work compositors and binders was raised in October, 1920, as a result of the revision of the Press establishment sanctioned by Government and therefore they were not included in the revision of September 1923. Grade increments are granted from time to time to these employees under the rules made for the management of the Printing Department of this Government.

(*c*) The question does not arise.

Cost of removal of Press from Writers' Buildings to Alipore.

28. Babu HEMANTA KUMAR SARKAR: Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the amount of machinery, in terms of cost, purchased for the Government Press, Bengal, for the years 1918, 1919, 1920, 1921, 1922 and 1923, year by year.

(*ii*) the amount spent by Government for the building at Alipore, where the press is at present located;

(*iii*) the cost of transferring the Press from Writers' Buildings to Alipore;

(*iv*) the amount sanctioned by the Government as tram-hire of the employees during the first few months of the transfer of the Press; and

(*v*) the amount actually spent on that head?

The Hon'ble Mr. T. EMERSON: (*i*) The costs incurred are given below:—

		Rs.
1918-19	...	66,450
1919-20	...	21,080
1920-21	... ...	1,23,528
1921-22	...	1,34,415
1922-23	..	2,12,156
1923-24	...	34,200

(*ii*)

		Rs.
(1) Cost of land	...	2,30,761
(2) Cost of buildings, including sanitary work and sprinkler installation	...	16,06,797
(3) Cost of electric installation, not including motors, installed by the Press Department for their printing	...	2,45,037
Total	...	20,82,595

(*iii*) It is not possible to estimate the cost of transferring the Press to Alipore; the work of removal was done by the Press motor lorry.

(*iv*) No specific amount was sanctioned; payment for three months only was sanctioned.

(*v*) Rs. 11,429-12-3.

Danger signal on Bhowanipore Road Bridge.

29. Mr. C. B. CHARTRES: (*a*) Will the Hon'ble the Member in charge of the Department of Public Works be pleased to state whether he is aware that a notice is still exhibited on the Bhowanipore Road Bridge over Tolly's Nala reading "Danger; speed not to exceed 5 miles per hour"?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state —

(*i*) the degree of danger to users of the bridge;

(*ii*) the reasons for it; and

(*iii*) what steps, if any, are being taken to remove the same?

The Hon'ble Mr. T. EMERSON: (*a*) Yes.

(*b*) (*i*) The bridge is in a weak condition and might collapse, if severely strained.

(*ii*) Fatigue due to old age and deterioration of the metal.

(*iii*) The construction of a new bridge will be taken in hand shortly.

Accommodation of students of depressed classes in Government hostels.

30. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble the Member in charge of the Department of Education aware that the students belonging to the depressed classes are not allowed to reside in Government hostels attached to schools and colleges in Bengal, except the Dacca Jagannath Hall North House?

(*b*) Are the Government considering the desirability of making provision for the students of the depressed classes in the attached Government hostels?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government are aware that students belonging to the depressed classes are unable to reside in Government hostels intended for Hindus other than the members of the depressed classes.

(*b*) Provision of the nature desired has already been made in several cases, and Government are anxious to make, or to assist in making, the necessary provision wherever a real demand manifests itself, subject to the necessary limitation of finance.

English dishes and Indian refreshment on inland steamers.

31. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that for supplying English dishes to the upper class passengers on inland steamers, servants, etc., are maintained at the cost of the Company, whereas the Indian refreshment vendors' shop on these steamers is sold to the highest bidder?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to lay on the table a statement showing the receipts from the Indian vendor and the disbursement under this head to the saloon staff, for each steamer separately?

The Hon'ble Mr. T. EMERSON: (*a*) and (*b*) Government have no information.

Purchase of paper by Government.

32. Babu AKHIL CHANDRA DATTA: (*a*) Is the Hon'ble the Member in charge of the Department of Commerce aware that the following resolution has been passed at a meeting of the Kankinara Labour Union, held on Saturday, the 27th June, under the presidency of Mr. K. C. Ray Chaudhuri, M.L.C.?:—

> "That as a result of Government placing orders for paper from abroad many of the workers of the Titaghur Paper Mills Company, Limited, are unemployed, and urge the Government to reconsider its decision and to place orders with Indian paper mills and thus preserve the source of employment of hundreds of educated and un-educated paper mill workers."

(*b*) Is there any foundation for the charge formulated in the said resolution?

(*c*) Is it in the contemplation of the Government to give effect to the suggestion embodied therein?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a statement showing for the last five years:—

(*i*) how much worth of paper has been purchased by the Government of Bengal; and

(*ii*) the names of the mills from which paper has been purchased?

The Hon'ble Mr. T. EMERSON: (*a*) No.

(*b*), (*c*) and (*d*) The local Government indent upon the Government of India for their stationery, including paper, and are not themselves purchasers in the market.

Question of retransferring Sylhet and Cachar to Bengal.

33. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether the Government of India consulted the Government of Bengal on the question of the retransfer of Sylhet and Cachar to Bengal?

(*b*) If so, what reply has been given by the Government of Bengal thereto?

(*c*) Will the Hon'ble the Member be pleased to lay on the table copies of the whole of the correspondence which the Government of Bengal may have had with the Government of Assam and the Government of India on this question?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) There has been correspondence on the subject with the Government of India, but the Government of Bengal have not been in a position to give any considered opinion on the proposal.

(*c*) Government are not prepared to lay the correspondence on the table.

Confinement of Lal Khoka, a transportation prisoner in Berhampore Mental Hospital.

34. Maulvi AFTAB HOSSAIN JOARDAR: (*a*) Is the Hon'ble the Member in charge of the Department of Revenue (Jails) aware that one Izzat Ali *alias* Lal Khoka was sentenced to transportation for life under section 302, I.P.C. (*vide* trial No. 3/6 of 1916 in the Court of the Additional Sessions Judge of Jessore—Emperor *versus* Izzat Ali *alias* Lal Khoka)?

(*b*) Is it a fact that ever since his conviction he has been kept in the Berhampore Lunatic Asylum under the plea of insanity?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state:—

(*i*) by whom was he medically examined as to his mental condition at the time of his conviction;

(*ii*) whether he has been re-examined at any time after that;

(*iii*) whether he is still insane; and

(*iv*) whether there is any likelihood of his being sent to the Andaman convict settlements at an early date?

MEMBER in charge of DEPARTMENT of REVENUE (JAILS) (the Hon'ble Sir Hugh Stephenson): (*a*) Yes.

(*b*) He was in the Presidency Jail for 11 months after his conviction and was then transferred to the Berhampore Mental Hospital, where he has remained.

(*c*) (*i*) It does not appear from the Jails Department's records whether he was medically examined at the time of his conviction. Before being transferred to the Mental Hospital he was examined by the Superintendent of the Jail, Major Thompson, I.M.S.

(*ii*) Yes. He has been examined from time to time by the Superintendent of the Mental Hospital and has also been seen by the visitors.

(*iii*) The last report was received in December, 1924. It showed that he was insane.

(*iv*) No.

Suadighi and Gangakhali Khals.

35. Babu MAHENDRA NATH MAITY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to explain why the amount of Rs. 1,99,000 provided in the budget of 1924-25 for the necessary work of draining the basin of Suadighi and Gangakhali *alias* Joygopal Khals and for the silt clearance of these khals within the Tamluk subdivision of the district of Midnapore, was not spent?

(*b*) Will the Hon'ble the Member be pleased to state why no amount has been provided for this purpose in the budget of the year 1925-26?

(*c*) Is the Hon'ble the Member aware that—

(*i*) the basin of the Suadighi and Gangakhali Khals is a water-logged area;

(*ii*) there is almost no drainage, owing to the silting up of the said khals, which are the only means of drainage; and

(*iii*) the people have been suffering for a long time from loss of crops and from malaria?

(*d*) Is the Hon'ble the Member aware that the people of the locality in the year 1922-23 cleared silt of some portion of the said khals at a cost of about Rs. 25,000 raised by themselves under the patronage of the then Magistrate, Mr. Cook (now Commissioner, Burdwan Division), and the then Subdivisional Officer, Babu Satish Chandra Mazumdar?

(*e*) Is the Hon'ble the Member aware that the attention of the Government was drawn to the fact mentioned in (*d*), and they promised to take up the work themselves and, as a first contribution, the amount of Rs. 1,99,000 was provided in the budget of the year 1924-25?

(*f*) Are the Government considering the desirability of taking steps to relieve the distress of the people concerned and to redeem the promise already made?

(*g*) Is the Hon'ble the Member aware that the Public Works Department did not allow the people concerned to clear the silt of these khals as they did in 1922-23?

(*h*) Is it a fact that only lately the people were allowed to clear the silt by the Public Works Department?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The amount was not spent because the project was under revision with a view to reducing the cost of the works and also subsequent maintenance charges.

(*b*) No provision has been made in the budget of the current year, because the procedure laid down in Act VI of 1920, must first be completed.

(*c*) (*i*), (*ii*) and (*iii*) Yes.

(*d*) Yes.

(*e*) Yes.

(*f*) Yes; the final project was sent to the Collector some time ago to take action under Act VI of 1920.

(*g*) No.

(*h*) No. A special order was issued early last March stating that every facility should be given to the people to excavate the Joygopal Khal.

Dafadars and chaukidars of Union Boards.

36. Babu TARAKNATH MUKERJEA: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state what steps have been taken to contribute towards the salaries and equipment of the dafadars and chaukidars of the Union Boards, as provided under section 37 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919)?

(*b*) How much money under this head has been spent by Government in the Hooghly district in 1924-25?

(*c*) Is it a fact that almost all the money realised by most of the Union Boards is spent in meeting the salaries and equipment of the dafadars and chaukidars, leaving a very little sum for the works of real improvements of the Unions?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*c*) A reference is invited to Government's reply on the 18th February, 1925, to a similar question by the member.

(*b*) No money has been spent by Government in the Hooghly district on this account.

Saraswati and Kana Nadi.

37. Babu TARAKNATH MUKERJEA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what further steps have been taken for the re-excavation of the rivers Saraswati and Kana Nadi, in the districts of Hooghly and Howrah?

(*b*) How much money has been allotted this year for the re-excavation of each of these two rivers.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) It is not intended to re-excavate the Kana Nadi, which is already large enough to carry the available supply of water; the Saraswati will be cleared of bars and jungle in the coming cold weather.

(*b*) Kana Nadi—Nil; Saraswati—Rs. 5,000.

Re-excavation of a canal near Sugandhya Union in Hooghly.

38. Babu TARAKNATH MUKERJEA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is a fact that the areas covered by Amnan Gopalnagore, Anandanagore, Harit and other places in the district of Hooghly are often visited by floods causing loss of crops and spreading diseases?

(*b*) Is it a fact that a petition signed by a large number of people of those places was submitted, over a year ago, to the Commissioner of the Burdwan Division, praying for the re-excavation of a small canal, about three-fourths of a mile in length, from Makhatala to Temoni (near Sugandhya Union, in the district of Hooghly)?

(*c*) Is it also a fact that the local authorities and the District Agricultural Officer made due inquiries and were convinced of the need and urgency of the scheme?

(*d*) Will the Hon'ble the Member be pleased to state whether the scheme is under consideration?

(*e*) If so, what steps, if any, will be taken in the near future to combat the floods in those places?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) It is understood that representations have been made to the Civil Officers.

(*c*) Yes.

(*d*) and (*e*) The matter has been referred to the Irrigation Department to make enquiries and, until these enquiries have been completed, it is not possible to say what steps can be taken to relieve the flooding.

Strike of engineering employees of R.S.N. and B.I.S.N. Companies.

39. Mr. K. C. RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state whether there are any facts in the possession of the Government regarding the prolonged strike or lock-out of the engineering employees of the R.S.N. Co., Ltd., at Garden Reach, and of the B.I.S.N. Co., Ltd., Sulkea?

The Hon'ble Mr. T. EMERSON: Government possess reports on the subject, but, in the absence of serious public grounds for doing so, are not prepared to publish their contents.

Alleged unemployment of mill-hands of the Titagar Paper Mill Company.

40. Mr. K. C. RAY CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state the cause of unemployment among the employees of the Titagar Paper Mill Company, Limited, at Titagar and at Kankinara?

(*b*) Is it a fact that the decision of the Government to place orders for paper from abroad has caused slackness of employment in Bengal paper mills?

The Hon'ble Mr. T. EMERSON: (*a*) Government have no information regarding the present state of employment at the mills in question.

(*b*) Government are not aware of any such decision. The member is referred to the answer to items (*b*), (*c*) and (*d*) of a question on the subject put at this meeting by Babu Akhil Chandra Datta.

Promotion of Muhammadan Sub-Deputy Collectors.

41. Maulvi ZANNOOR AHMED: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether any Muhammadan Sub-Deputy Collector has been promoted to the Bengal Civil Service (Executive Branch) during the years 1920-25?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble the Member be pleased to state the reasons for this?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the names of the Mumammadan Sub-Deputy Collectors (if any), with their length of service, who were nominated by their respective district officers on the years 1920-24?

(*d*) In case no Muhammadan Sub-Deputy Collector has been promoted to the Bengal Executive Service during the years 1920-25, are the Government considering the desirability of fixing a certain percentage for the appointment of Muhammadan Sub-Deputy Collectors as Deputy Collectors each year?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No.

(*b*), (*c*) and (*d*) Recommendations for promotion are made by the Revenue and Agriculture and Industries Departments and by the Board of Revenue. The merits of Muhammadan officers are considered. It is the policy of Government to give preference to Muhammadans, if this is necessary in order to secure certain proportions for first appointment of Government service. When the question of promotion within the services arises, merit alone is considered. Government are not prepared to publish the names of officers who were nominated or recommended for promotion, but were not promoted.

Muhammadan Matriculate Kanungoes.

42. Maulvi SAYYED SULTAN ALI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue be pleased to state whether it is a fact that at the time of recruitment of kanungoes for the Bengal Survey and Settlement operations some Muhammadans were appointed in the said service who had passed the Entrance Examination, as that was fixed as the minimum qualification for the Muhammadans?

(*b*) Is it a fact that since 1917-18, promotions of kanungoes to the Subordinate Executive Service have been made on the basis of educational qualification, and as a result of that the claims of the Muhammadan kanungoes referred to in (*a*) have been superseded by their fellow kanungoes, who are I.As. or F.As.

(*c*) If the answer to (*a*) and (*b*) are in the affirmative, will the Hon'ble the Member be pleased to state the reasons for giving preference to educational qualifications instead of efficiency in work?

(*d*) Will the Hon'ble the Member be pleased to state what arrangements, if any, are being made for making the said Muhammadan kanungoes permanent in their services and safeguarding their promotions to the Subordinate Executive Service?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) No separate minimum qualification was fixed for Muhammadans. Some undergraduates have been appointed from time to time as special cases and there are many Muhammadans among them.

(*b*) No.

(*c*) The question does not arise.

(*d*) The posts of kanungoes are temporary and Government do not propose to make any special arrangements for Muhammadan Matriculate kanungoes.

Inspectors of Civil Veterinary Department.

43. Babu JATINDRA NATH BASU: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether the Inspectors of the Civil Veterinary Department, Bengal, have had any increase of pay since 1908, except for the change in 1915, when the pay of the Inspectors of Eastern Bengal and Assam was co-ordinated with that of officers of the same class in Bengal?

(*b*) Is it a fact that the Finance Department about a year and a half ago accepted a suggestion of the Department of Agriculture and Industries about the increase of the pay of Inspectors, the scale being Rs. 125 to Rs. 225?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state whether that suggestion has been given effect to?

(*d*) Will the Hon'ble the Member be pleased to state whether memorials have been received by the Government from the Inspectors of the Civil Veterinary Department about increase of pay?

(*e*) Is it a fact that the pay of the Provincial and Ministerial Services and of the menial staff has been substantially increased since 1908?

(*f*) Is the Hon'ble the Member aware that owing to there being no increase in the pay of the Inspectors, they are suffering from acute distress, owing to large increases in the cost of living?

(*g*) Are the Government contemplating the grant of an increase of pay to the Inspectors of the Civil Veterinary Department during the current year?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) The existing scale of pay of Veterinary Inspectors (Rs. 100—5—175) was first sanctioned for the Inspectors in the province of Eastern Bengal and Assam in 1909. The pay of the Inspectors in the province of Bengal was Rs. 70 to Rs. 150 in seven grades, till 1915, when it was co-ordinated with that of Eastern Bengal Inspectors. Fourteen out of 16 Inspectors employed at that time were benefited by this change. Since then there has been no revision of pay of these officers.

(*d*) Yes.

(*e*) There has been a revision of pay of these services.

(*b*), (*c*), (*f*) and (*g*) A revision of the pay has been under discussion for some time and orders will be passed as soon as funds are available.

Deputy and Sub-Deputy Collectors.

44. Babu BEJOY KRISHNA BOSE: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether it is a fact that the Government accepted the principle of reducing the cadre of Deputy Collectors and proportionately increasing that of the Sub-Deputy Collectors by employing them on the same work, as is done by the Deputy Collectors, as recommended by the Bengal Retrenchment Committee, and that the Government for that reason formed the Donald Committee to submit recommendations on the above matter?

(*b*) Will the Hon'ble the Member be pleased to state whether it is the intention of the Government to invest the Sub-Deputy Magistrates freely with first class powers?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

(*d*) Have the Government any facts before them to show that the Sub-Deputy Collectors, who are already vested with first class powers, have been found to be deficient in any way in the discharge of their more responsible work?

(*e*) Are the Government considering the desirability of employing more freely the full services of the Sub-Deputy Collectors as first class Magistrates?

(*f*) Have the Government considered the fact, that by employing the Sub-Deputy Collectors on the duties hitherto performed only by the Deputy Collectors, the cost of administration may be cheapened, and that the separation of Executive and Judicial functions may be made in the near future without much additional expenditure?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The member is referred to the resolution of the Appointment Department, No. 1227 A., dated the 28th January, 1925, a copy of which is laid on the library table. No decision on the principle of reducing the cadre of Deputy Collectors and proportionately increasing that of Sub-Deputy Collectors could be taken until all the factors affecting expenditure involved in that principle had been examined. The pay of the Subordinate Civil Service was such a factor and was one of the terms of reference to the Donald Committee.

(*b*) to (*f*) The question of vesting a larger number of Sub-Deputy Collectors with first class magisterial powers is under the consideration of Government.

Babu BEJOY KRISHNA BOSE: May I ask the Hon'ble Member in charge when it is expected that Government will come to a decision with regard to the question of investing Sub-Deputy Collectors with special first class powers?

The Hon'ble Sir HUGH STEPHENSON: I hope we shall come to a decision quite soon.

Holidays to and arrangements for extra food for Muhammadan prisoners on "Id-ul-Fitr" and "Id-uz-zuha."

45. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether the Mussalman prisoners were granted a full holiday on the last *Id-ul-Fitr* festival?

(*b*) Are the Government considering the desirability of granting two days' holiday for the *Bakr-Id* and one day for the *Id-ul-Fitr* to the Muhammadan prisoners of Bengal in future?

(*c*) Will the Hon'ble the Member be pleased to state whether arrangements were made for giving meat to the Muhammadan prisoners in the jails with a majority of Muhammadan population on the last *Bakr-Id* day?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes: a full holiday was granted.

(*b*) One day's holiday is allowed for the *Id-ul-Fitr* and one for the *Bakr-Id*. Government do not propose to change this rule.

(*c*) No special arrangement was made for giving meat to Muhammadan prisoners on the last *Bakr-Id* day. Extra food is allowed on the *Id-ul-Fitr* day.

Visit of Jails by Jail Visitors.

46. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state the reasons for the District Officer's requesting an ordinary jail visitor to visit the jail in a certain month during the year, apart from the periodical committee visit?

(*b*) What are the reasons which preclude the jail visitor from visiting jails according to his own choice and convenience?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Under rule 64 of the Jail Code it is the duty of the Chairman of the Board of Visitors to arrange a roster for weekly visits to the jail, so as to ensure that the jail is visited regularly.

(*b*) The object of the rule is to secure the regular visiting of jails every week and it is not intended to preclude a visitor from visiting the jail at other times, if he so desires.

Babu BORODA PROSAD DEY: With regard to the roster of weekly visits, I, as a member, had been asked in May to visit in November——

Mr. PRESIDENT: Mr. Dey, you should put your question in the proper form. You cannot make a statement while putting a question.

Routine for Special Visitors of Jails.

47. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state what is the routine adopted by special visitors generally in respect of visits paid to political prisoners?

(*b*) Do they record any remarks after their visits in any register kept in the jail?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to lay on the table copies of such remarks?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) The ordinary routine is for the special visitors to visit all the prisoners, ask questions and hear any complaints that may be made; they then enter their remarks in the Special Visitors' Book.

(*c*) The remarks recorded by visitors, whether special or ordinary, are forwarded by the Superintendent of the Jail to the Inspector-General of Prisons. The remarks of special visitors are also sent to the Government of Bengal. Government are not prepared to lay them on the table.

Transfer of certain police-stations from Sadar to Lalbagh subdivision.

48. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is in the contemplation of the Government to transfer police-stations Hurshi and Raninagar from the Sadar to the Lalbagh subdivision of the Murshidabad district?

(*b*) Is it a fact that the people of these police-stations have made representations against such proposal?

The Hon'ble Sir HUGH STEPHENSON: (*a*) It is understood that the Inspector-General of Police is considering measures of retrenchment in the Murshidabad district, but his proposals have not yet reached Government.

(*b*) Representations against any change in the jurisdiction of the Raninagar thana have been received, and will be considered before orders are passed on such proposals as the Inspector-General of Police may have to submit.

Abolition of certain thanas of the Murshidabad district.

49. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether Government are contemplating abolishing thanas Daulatabad and Raninagar?

(*b*) Is it a fact that the people of these thanas have made a representation against such proposal?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Reference is invited to the reply given to another question put at this meeting by the member. A representation has also been received against the abolition of the "Daulatabad" thana, which seems to be that known officially by the name of "Daulatbazar", and this will be similarly considered.

Water-hyacinth as a manure.

50. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether burnt hyacinth has been proved to be a good manure?

(*b*) If so, are the Government contemplating any organised propaganda work to encourage the cultivators to use it as such?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) Pamphlets and leaflets to this effect have been circulated. The member is referred to the answer to unstarred question No. 84 (*a*) (*ii*) given at the meeting of the Council held on the 23rd January, 1922.

Alleged committee to consider water-hyacinth problem.

51. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the Government had recently formed a committee to consider the problem of eradication of water-hyacinth in Bengal?

(*b*) If the reply to (*a*) is in the affirmative, was the committee fully representative, *i.e.*, were any public bodies invited to send their representatives to the said committee?

(*c*) If so, what Muhammadan public bodies were invited to send representatives to the said committee?

(*d*) Did any Muhammadan public body refuse to send its representatives to the committee?

(*e*) If there was no non-official Muhammadan on the committee, will the Hon'ble the Member be pleased to state the reason?

(*f*) Is it a fact that the Muhammadan community is the largest in the agricultural population of Bengal?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*f*) In November last a small informal conference was held, consisting of officers of Government departments concerned in dealing with the water-hyacinth and of representatives of three of the leading voluntary non-political organisations in the province engaged in social service work in the mufassal, *viz.*, the Bengal Social Service League, the Bengal Health Association and the Central Co-operative Anti-Malarial Society. This conference appointed a committee of their own to consider certain questions relating to the subject. No committee such as is contemplated in this question has been appointed by Government.

Dredging of Nadia rivers.

52. Maulvi AFTAB HOSSAIN JOARDAR: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is in the contemplation of the Government to dredge the rivers Mathabhanga, Bhairab, and Navaganga, where, owing to accumulation of sand, their connection with their sources has been obstructed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state whether any definite scheme has been formulated for the purpose?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) There is no scheme before Government for dredging the Mathabhanga. Government have under consideration two schemes, one for flushing the Meherpur branch of the Bhairab and the other for opening the head of the Navaganga, but it is not intended to use dredgers.

(*b*) Two definite schemes have been formulated, one for the Bhairab and one for the Navaganga.

Rules of procedure for Bills to be brought before the Bengal Legislative Council.

53. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Legislative Department be pleased to state—

(*i*) under what provision of the Government of India Act the "rules" referred to in notification No. 1592 L., dated the 19th July, 1925, relating to Bills intended to be brought before the Bengal Legislative Council, have been made;

(*ii*) the reasons for making such rules;

(*iii*) the reasons for holding such rules to be consistent with rule 19 (*1*) of the Bengal Legislative Council Rules?

(*b*) Will the Hon'ble the Member be pleased to state whether there are similar rules in force in other Governors' provinces?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim: (*a*) (*i*) The rules are not made under the provisions of the Government of India Act. They are non-statutory rules prescribing the procedure to be followed in dealing with a department of Government.

(*ii*) The main object was to remove the misunderstandings prevalent among non-official members as to the steps to be taken to secure sanction prior to bringing Bills before the Council, and as to their responsibilities in regard to legislative projects launched by them.

(*iii*) Rule 19 (*1*) of the Bengal Legislative Council Rules refers to dealings with the Council. Sub-rule (*2*) of that rule makes the receipt of sanction a necessary preliminary to the giving of a valid notice under sub-rule (*1*). These non-statutory rules deal with the preliminary stage, and do not affect Council procedure.

(*b*) Government have no information.

Waiting-rooms at Tarpasa Junction.

54. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble the Member in charge of the Marine Department aware that Tarpasa steamer station, in the district of Dacca, is the junction of Narayanganj-Chandpur, Madaripur and Goalundo steamer lines?

(*b*) Is the Hon'ble the Member aware of the number of steamers which daily touch at that station?

(*c*) Is the Hon'ble the Member aware that Tarpasa is one of the most important stations and that a very large number of passengers, both male and female, pass through that station?

(*d*) Is the Hon'ble the Member aware that there are no waiting-rooms for second class passengers on the station flat and that the first class waiting-room on the flat is a passing room to the officers' quarters and that there is no separate place for first class lady passengers?

(*e*) Is the Hon'ble the Member aware that there are no waiting-rooms for lady passengers of the second, inter and third classes on the flat, and that they have to suffer from exposure and for want of proper bath-rooms and privies?

(*f*) Is the Hon'ble the Member aware that provision for ladies can be made with a small expenditure on the upper story of the receiving flat at the station?

(*g*) Is the Hon'ble the Member considering the desirability of drawing the attention of the Steamer Company to the importance of making proper provision for waiting-rooms for both male and female passengers?

The Hon'ble Mr. T. EMERSON: (*a*) and (*c*) Yes.

(*b*) Government have no information.

(*d*), (*e*) and (*f*) Government are informed that second class passengers are allowed the use of the first class waiting-room. It is not proposed to provide separate first and second class waiting-rooms for ladies on the station flat. The Steamer Companies, however, have intimated that they will see if it is possible to improve the accommodation generally. As regards inter and third class lady passengers, Government are informed that there is fenced accommodation for them on the upper deck of the flat, free from exposure and with suitable bathroom and privies on the deck below.

(*g*) Government do not propose to take any further action in the matter.

Appointment of lawyers to District Judgeship.

55. Mr. S. N. HALDAR: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether it is a fact that only one practising lawyer has been appointed as a District Judge and that that appointment was made in June, 1921?

(*b*) If so, will the Hon'ble the Member be pleased to state the reasons why no other practising lawyer has been appointed as a District Judge since that date?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) The member is referred to the reply to another question put by him at this session.

Mr. A. C. BANERJEE: I want to know why not more than one member of the Bar has been appointed. Is it because the Civil Service take a brotherly interest in the members of the Bar?

The Hon'ble Sir HUGH STEPHENSON: It is because the Civil Service has to guard the vested interests of the provincial Judicial Service.

Mr. A. C. BANERJEE: Are those interests unlimited?

Mr. PRESIDENT: You should take the permission of the Chair.

Mr. A. C. BANERJEE: I should like to ask, with your permission, whether the interests of the Civil Service are to remain intact and those of the Bar held at a discount.

Mr. PRESIDENT: The question does not arise. Please pass on to the next question.

Free primary education within municipal areas.

58. Maulvi AMANAT KHAN: (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether Government contemplate imparting compulsory and free primary education within municipal areas, wherever municipal commissioners recommend to the Government and extend their helping hands for the same?

(*b*) How many municipalities applied for the same and how many of them got the final sanction of the Government during the year 1924-25?

(*c*) Will the Hon'ble the Member be pleased to state whether it is a fact that a scheme for compulsory and free primary education within the Chittagong Municipality, recommended by the commissioners of the Chittagong Municipality and approved by the Inspector of Schools, Chittagong Division, has long been lying for the final sanction of the Government?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Member be pleased to state when the final sanction may be expected?

(*e*) Are the Government considering the desirability of expediting the matter as the said municipal commissioners are ready and anxious to give effect to it?

(*f*) Are the Government considering the desirability of asking the said municipal commissioners to introduce the scheme in anticipation of the final sanction of the Government giving them a definite pledge for the Government grant asked for?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government are willing to consider schemes for compulsory and free primary education, provided the local bodies fulfil all the conditions laid down in the Primary Education Act, precedent to the introduction of compulsion. Local bodies normally find it easier to start on a voluntary basis.

(*b*) During the year 1924-25, ten schemes were submitted in connexion with the provision of free primary education on a voluntary basis within municipal areas. Of these, four schemes were sanctioned, and six were under consideration.

(*c*) A scheme for free primary education within the Chittagong Municipality on a voluntary basis was received by the Director of Public Instruction, but is awaiting the provision of funds.

(*d*) Demands are being submitted to Council this session, which will include an amount from which this scheme, when finally approved by Government, can be financed.

(*e*) Yes. If Council votes the necessary funds, the scheme will be proceeded with.

(*f*) No. The scheme cannot be proceeded with unless and until the necessary provision is made in the budget.

Copyists and typists of Courts and subscription to Provident Fund.

57. Babu MAHENDRA NATH MAITY: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether any officer, in whose case subscription to the existing Provident Fund is compulsory, is permitted to withdraw the amount placed to his credit or to stop further payment to the General Provident Fund as an optional subscriber prior to becoming a compulsory subscriber?

(*b*) Is the Hon'ble the Member aware that some of the copyists and typists of Courts, who were optional subscribers to the General Provident Fund, and who are now obliged to pay one anna per rupee of their earnings as compulsory subscribers to the existing Provident Fund, are put to great hardship to pay two subscriptions to the Provident Fund, and that they are anxious to stop their optional subscriptions to the General Provident Fund?

(*c*) Will the Hon'ble the Member be pleased to state whether they may be allowed to do so if they so desire?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble the Member be pleased to state whether they will be allowed interest on the amount deposited after they intimate their desire to withdraw and stop further payment?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Typists and copyists who are optional subscribers to the General Provident Fund are not permitted to withdraw their deposits in the above Fund, but may discontinue subscriptions to it on becoming compulsory subscribers to the Provident Fund specially created for them.

(*b*) The answer is in the negative.

(*c*) *Vide* answer to (*a*).

(*d*) The interest admissible under the rules of the General Provident Fund will be allowed.

Public Accounts Committee, 1924-25.

58. Mr. SYED M. MASIH: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state the reasons why no meetings of the Public Accounts Committee, appointed for the year 1924-25, have ever been held?

(*b*) Will the Hon'ble the Member be pleased to state how and when he proposes to submit the report of the Committee to the Council?

The Hon'ble Mr. T. EMERSON: (*a*) Because the Auditor-General's remarks on the Appropriation Report for 1923-24 were not received until after the close of the year.

(*b*) It is hoped that the report of the Public Accounts Committee will be placed before the Council during the next session.

Irrigation schemes for Howrah district.

59. Babu MANMATHA NATH ROY: Will the Hon'ble the Member in charge of the Irrigation Department be pleased to state –

(*i*) the Irrigation schemes under the consideration of the Government for the district of Howrah; and

(*ii*) the stage at which each one of those schemes stands at present.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*i*) (*a*) Amta drainage scheme.

(*b*) Dahuka Khal.

(*c*) Kamarnala regulator.

(*ii*) (*a*) The project has been sent to the Collector of Howrah for taking action under Act VI of 1920.

(*b*) An estimate has been sanctioned for the survey of this khal, with a view to its improvement.

(*c*) A project for building a regulator at the head of the Kamarnala has been sanctioned and money has been allotted and the work will be taken up during the next cold weather.

Khulna-Barisal steamer service.

60. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state—

(*i*) whether it is a fact that the second class steamer fares in the Khulna-Barisal Express and Mail steamers are disproportionately high;

(*ii*) whether it is a fact that the accommodation and arrangements in the second and inter classes are unsatisfactory and inconvenient; and

(*iii*) whether it is a fact that no return tickets are issued by the Steamer Company as is done in the Railways?

(*b*) Are the Government considering the desirability of drawing the attention of the River Steam Navigation Company to the matter?

The Hon'ble Mr. T. EMERSON: (*a*) (*i*) and (*iii*) Government have no information.

(*ii*) Government are informed that the accommodation and arrangements are satisfactory.

(*b*) The answer is in the negative.

Legislative Business.

Government Bills.

The Howrah Bridge Bill, 1924.

The Hon'ble Mr. T. EMERSON: I beg to move that the Howrah Bridge Bill, 1924, be referred to a Select Committee, consisting of Mr. H. C. Liddell, Mr. J. A. Woodhead, Mr. G. G. Dey, Babu Jatindra Nath Basu, Babu Naliniranjan Sarker, Babu Khagendra Nath Ganguly, Khan Bahadur S. Mahboob Aley, Mr. Huseyn Shaheed Suhrawardy, Maulvi Wahed Hossain, Mr. Syed M. Masih, Mr. G. Morgan, Mr. K. Campbell, Mr. Tarit Bhusan Roy and myself, five to form a quorum, with instructions to submit their report for presentation to the Council as soon as possible.

At the August session of 1924, a Select Committee was appointed by the vote of this Council, but as a result of a subsequent motion that the Bill should be circulated for the purpose of eliciting opinions, the appointment of the Select Committee fell through. It is for this reason that a fresh Committee is proposed to be appointed at this session. The result of the circulation of the Bill for the purpose of eliciting opinions has been to show that the weight of opinion generally is

against the expense that would be incurred in constructing a permanent bridge for which purpose this Bill was originally framed. The Bill, however, admits of modifications in its taxation clauses so as to provide a semi-permanent bridge if such a type is preferred by the Council on account of its smaller cost.

Omitting from consideration bridges of the pier and girder type, as they are considered inadvisable on account of the risk to the port owing to the possible effect of the piers on the course of the river and its tides, there are three main types of bridges which are considered suitable for our purpose, first, a cantilever bridge—the cost of which would be Rs. 32 lakhs per annum spread over 60 years, second, a twin floating bridge which would cost with its approaches Rs. 24 lakhs per annum for 40 years, and thirdly, an improved and wider single-floating bridge on the present site, the cost of which is estimated to be Rs. 1 lakhs per annum for 40 years.

The finance clause of the Bill provides for raising by taxation the amount required to meet the loan charges for the capital cost of a permanent bridge of the cantilever type as recommended by the Committee of Engineers. If the construction of such a bridge is undertaken, the Government of India will consent to the taxation specified in clause 8, sub-clauses (*iii*), (*iv*) and (*v*). If, on the other hand, a bridge of a semi-permanent type is to be constructed such as a floating bridge, taxation under these sub-clauses will have to be omitted from the Bill.

Though adhering to the opinion that the needs of Calcutta can be met adequately only by the provision of a permanent bridge, Government, in view of the great weight of opinion opposed to the expense that would be involved in its construction, are prepared to accept the Council's decision as to the cost that should be incurred in constructing the new bridge.

It will be the duty of the Select Committee to consider all the opinions that have been elicited by the circulation of the Bill and to give full weight to these opinions in making their recommendations to the Council.

As regards the *personnel* of the Select Committee I should like to say a few words. The Committee was selected by the Hon'ble Mr. Donald after considering how it should represent the various interests in the Council, so that he could get the best opinions as to the Bill which is before the Council now. I am at present, however, in a very embarrassing position; there are various amendments proposing additions to the *personnel* of the Select Committee which would, if all accepted, raise its number from 14 to 25. Well, for a Select Committee 25 is an exceedingly unwieldy number and my position is that I cannot refuse to accept any member of the Council on the Select Committee.

So, unless there is some modification in the amendments which are proposed, I have no help but to accept the whole 25 for the Committee. I therefore throw myself at the mercy of the gentlemen who have been proposed and who are proposing them in order that the Committee may be reduced to reasonable dimensions and that at the same time it should represent adequately every section of opinion in this House.

Sir PROVASH CHUNDER MITTER: Sir, with your permission I want to say something on the general principles of the Bill.

Mr. PRESIDENT: I propose to have the amendments moved first and then I shall have a general discussion.

Mr. P. N. GUHA: Sir, in view of what the Hon'ble Member has said I want to withdraw the amendment which stands in my name.

The following amendment was then, by leave of the Council, withdrawn:—

Mr. P. N. GUHA to move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, "Sir Provash Chunder Mitter, Rai Badridas Goenka Bahadur".

Mr. F. E. JAMES: I move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, "Mr. J. F. Snaith".

I think it will be considered by many that that section of the community which Mr. Snaith represents in the Council in the capacity of the Master of the Trades Association should have a place in the Select Committee. I, therefore, desire to move my amendment.

Dr. PRAMATHANATH BANERJEA: I move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, "Dr. Bidhan Chandra Roy, Mr. Taraknath Mukerjea, Babu Surendra Nath Ray".

I may say in this connection that Dr. Roy represents a constituency which is affected by the provisions, specially the financial clauses, of the Bill. This also applies to the other two members whose names I have proposed.

Babu AMULYA DHONE ADDY: I move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, "Raja Reshee Case Law, Babu Debi Prosad Khaitan".

It would appear from the provisions of the Bill that there will be a taxation on Indian trade and commerce. It is, therefore, desirable that persons interested in trade and commerce should be well represented in the Howrah Bridge Committee. Now, Sir, Raja Reshee Case

Law is the President of the Bengal National Chamber of Commerce. I find in the Select Committee a representative of the Bengal Chamber of Commerce but none whatever of the Bengal National Chamber of Commerce. That is the reason why I suggest the name of the Raja. I would also suggest the name of Mr. Khaitan. He is also a leading Member of the Bengal National Chamber of Commerce. It is well known to you, Sir, that the Marwaris of Calcutta have the major portion of inland trade of Calcutta. It is, therefore, desirable that one of their representatives should be in the Select Committee.

With regard to the general question as to whether the number of members of the Select Committee should be increased, I beg to submit that, having regard to the fact that it is a question of taxation, and that the people of Calcutta are already heavily taxed, it is desirable that the Select Committee should be well represented. Under the circumstances there should not be any objection whatever if the total number be increased from 14 to 16 or even 20.

Maulvi ABDUR RASCHID KHAN: I move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, "Maulvi Md. Nurul Huq Chaudhury".

Babu MANMOHON NEOGI: I move, by way of amendment, that in the motion of the Hon'ble Mr. T. Emerson, after the name "Mr. Tarit Bhusan Roy" the following be added, *viz.*, Dr. Pramathanath Banerjea, Mr. Nirmal Chandra Chunder".

Mr. KIRAN SANKAR ROY: I support this motion which also stands in my name.

Sir PROVASH CHUNDER MITTER: At this stage I desire to say a few words about the general principles of the Bill. There cannot be any doubt that we want the Howrah Bridge and want it badly. But our province, owing to the iniquity of the Meston Award, has become very poor. Our needs are great but our funds are small. Therefore, Sir, the party that I have the honour and privilege to represent in this Council, has pressed me to impress upon the Government that in view of these two important points Government should try to make the bridge as inexpensive as possible. It should be the endeavour of Government not to exceed the expenditure of 2½ crores of rupees.

There is another question of principle to which I would desire to draw the special attention of the House and of the Government. The Bill provides for fresh taxation on all properties in Calcutta and in certain neighbouring municipalities. We all know, Sir, that Calcutta is fast ceasing to be a city of the Bengalis. The middle-class Bengalis are gradually being wiped out from the city of their birth and upbringing as they have generally small income and large commitments. So, it

will not do merely to proceed on value of properties but Government should also take into account the capacity of householders to pay taxes. That is the one reason why, in the opinion of the party I represent—and I trust the other parties will support us in this—there should not be any tax on properties in Calcutta and in the neighbouring municipalities. There are other reasons also. Take Calcutta and the neighbouring municipalities. Is it not a crying shame that in the metropolis of Bengal there is no compulsory primary education? Is it not a crying shame that many fundamental civic duties which the Corporation ought to discharge cannot be discharged, not for want of inclination but for want of funds? Surely, Sir, the Howrah Bridge is a very desirable thing, but many pressing problems affecting the day-to-day lives of the people are far more necessary and important. If you look across the other side of the river, to the municipality of Howrah, you will find that the needs of that unfortunate municipality are very great indeed. As I have said already, we want the Howrah Bridge but we have strong objections to the imposition of fresh taxation on properties in Calcutta and the neighbouring municipalities on that account. Sir, the present Howrah Bridge is supported mainly by a passenger tax collected through the East Indian Railway. There is I believe a similar provision in the Bill. Our suggestion is that the Bridge should be financed from terminal taxes from railway passengers, taxes on goods, contributions from the Port Commissioners and also from the Government of India; and we are very keen on the last named suggestion. It may be said that we are not the masters of the situation and that the Bengal Government cannot dictate to the Government of India. I fully appreciate the proposition, but I can at the same time say this: that the Government of India is presumably a responsible and just Government and it ought not to evade payment of just dues. It would be an act of bare justice on the part of the Government of India to bear its legitimate share in the maintenance of the Howrah Bridge. In this connection our Government should impress on the Government of India the fact that the administration of the town of Calcutta and of Howrah takes up a very large proportion of our meagre provincial income. Look at our Law courts and our Police—look at our schools, colleges and hospitals in Calcutta and Howrah. An addition of a single wing to a college or a hospital in Calcutta would cost very much more than what it would cost for a fully equipped institution in a city like Lahore, Allahabad or Nagpur. But these are necessary expenses for the proper administration of the town of Calcutta. Where would the large customs duty of the Government of India be but for the efficient administration of Calcutta? Therefore, it is just and proper that the Government of India should pay its due share. Sir, we do not oppose reference of the Bill to a Select Committee, but on the other hand we trust that the Bill would come out in a far more better shape from the committee than it is to-day But we cannot accede to the proposition that the Bill has equitably

distributed the burden. Sir, I should like to tell my Hon'ble friends opposite—the Members of the Government Benches—that there are two fundamental propositions which in the opinion of our party should be accepted by Government, namely, (1) there is to be no taxation on properties in Calcutta and the neighbouring municipalities for the purposes of the Howrah Bridge and (2) that the total cost of the bridge should not exceed 2½ crores of rupees. If even after discussions in the Select Committee the Government or the majority of the Select Committee deviate from these two points then the party which I have the honour to represent in this House will have to oppose the passing of the Bill at the final stage and I hope and trust other parties will also join hands with us.

Babu AMULYA DHONE ADDY: Sir, with regard to the principles of the Bill I beg to submit that we all admit——

Mr. PRESIDENT: May I know in what capacity you are speaking now, Mr. Addy?

Babu AMULYA DHONE ADDY: I am speaking on the general principles of the Bill. I admit, Sir, that this bridge should be replaced by a new one as early as possible. I also admit that the cantilever bridge, the design of which has been recommended by an expert committee, is the best one. But, Sir, the cost is rather prohibitive. It is 6 crores and 38 lakhs of rupees. The bridge will cost us 412 lakhs of rupees, approaches seven lakhs and a half of rupees, the acquisition of lands and buildings Rs. 73 lakhs and we shall have to pay Rs. 130 lakhs to the Hughli Docking and other companies. In the case of the Sara Bridge, the cost did not exceed three crores of rupees and in comparison with the Sara Bridge it should not cost more. Therefore, I would draw special attention of the members of the Select Committee to the report of the Committee of Chief Engineers which was submitted in 1912. It will appear from that report that they took into consideration all the tenders which were submitted. The amount of the tender which was recommended by them was eighty lakhs of rupees and that was for the construction of a floating bridge. It may be said that in that case the width proposed was 80 feet only. We all know that the width of the proposed bridge is much wider but I beg to submit that there is no necessity for such an ambitious scheme as that recommended by the last Committee. We all know that some of the E. I. R. trains are now diverted to Sealdah and the railway traffic is going to be further diverted by the construction of a railway bridge at Bally and therefore there is no necessity for the execution of such an ambitious scheme which is estimated to cost over 6 crores of rupees. I am sure that the actual cost will be much more than this because we have sad experience of estimates which are prepared by the experts of Government. In the case of the Tolly's Nala the original estimate was eight lakhs but the

actual cost came up to twelve lakhs. In the case of the Government buildings in Delhi the estimated cost was six crores but fourteen crores have already been spent but the work is not yet finished. So I am afraid the actual expenditure in this case will come up to seven or eight crores. Therefore I would suggest that the recommendation of the Committee of 1912, which was composed of the Chief Engineer of the Calcutta Corporation, the Chief Engineer of the Lower Ganges Bridge, the Chief Engineer of the Calcutta Port Trust and the Chief Engineer of the E. I. Ry. should be accepted. Then, Sir, the floating bridge has certain advantages. The floating bridge will be constructed in the course of two years whereas the cantilever bridge will take at least 3½ years. In the case of the floating bridge there will be a clear passage for sea-going steamers whereas in the case of a cantilever bridge this will be impossible because it will be a fixed bridge.

Now, Sir, as regards the distribution of the cost, it appears from the proceedings of the report of the Finance Committee that 8 out of the 9 members differed. They have suggested that Calcutta and Howrah should be taxed but I beg to submit that it will be impossible for the Calcutta Corporation to make any contribution towards the cost of this bridge. We all know that the Corporation of Calcutta have already committed themselves to an expenditure of 3 crores of rupees for the improvement of water-supply and one crore of rupees for the improvement of the drainage and they will also have to incur another crore of rupees for the improvement of the newly added area of Maniktala, Cossipore and Garden Reach. They have not been able for want of funds to introduce free and compulsory primary education in Calcutta. Therefore, I am afraid it will not be possible for the Corporation of Calcutta to contribute a single pice for the construction of this bridge.

As regards Howrah there is a scheme for its improvement which will cost one crore of rupees and I understand that there is a scheme for the formation of an Improvement Trust for Howrah. At present their rates range from 24 to 28½ per cent., while in Calcutta the rates are 19½ per cent. How can you then expect the people of Howrah to pay for this bridge? Then as regards the South Suburban Municipality, they cannot afford to repair their roads and even to construct their Municipal office building. Then the Tollygunge Municipality is a very poor one. Then as regards the proposal to levy a cess of two pies per maund on goods, I beg to submit that during the last few years the rates of freight on food grains have been increased. The freight on rice from Khulna to Kalighat in 1909 was one anna nine pies per maund, whereas in the year 1922-23 it was three annas one pie per maund or an increment of 76 per cent. Similarly in the case of passenger fare, in the year 1916 the third class fare on the Eastern Bengal Railway by mail train was 2½ pies per mile. Whereas in the year 1923

it was increased to 5 pies per mile, an increment of 100 per cent. I would draw the attention of the members of the Select Committee to these increments. Then as regards the Port Commissioners, it appears from the report itself that in the year 1913-14 their charge was 9 annas per ton but in the year 1922-23 it was increased to 23 annas per ton. Therefore if they are called upon to pay more the trade of Calcutta will be diverted to Chittagong or to other foreign ports. Then it may be said who is to pay for it? As has been rightly pointed by Sir P. C. Mitter, I beg to submit that it is the Government of India which should pay for it. Sir, it appears that the Government of India realises about 15 crores of rupees from Bengal as customs duty.

As regards income-tax from Bengal the Government of India realises 6 crores of rupees and the major portion comes from Calcutta itself. Therefore I beg to submit that the citizens of Calcutta pay crores of rupees towards the funds of the Government of India, and as the railway bridge is absolutely necessary for postal and military purposes, I think it will be right and just that the Government of India should be requested to pay for the whole or at least the major portion of it.

Mr. M. DAUD: Sir, I beg to place before the House the labourers' point of view so far as this Bill is concerned. It is stated that the bridge should be of a cantilever type and the cost is estimated to be 6 crores and 34 lakhs. Now, Sir, from the opinions that have been submitted to Government by various representative bodies it appears that the Committee which reported in 1912 suggested a certain type of bridge, Sir Bradford Leslie in his memorandum suggested another type of bridge and the Finance Committee of 1922 suggested a cantilever bridge. Now, Sir, from these opinions it is perfectly clear that a floating bridge with opening spans will be much cheaper, the cost could be reduced to one-third, if not half, of that for a cantilever bridge. Now, Sir, let us see how far the labourers will be taxed to meet the cost of the bridge. Relating to clause 8 of the Bill I submit that so far as the ratepayers of Calcutta are concerned, they are paying 19½ per cent. on their annual valuation and for the bridge they are to pay 1 per cent. more. So far as the Howrah Municipality, the South Suburban Municipality and the Tollygunge Municipality are concerned, the ratepayers are to pay more on their annual valuations. In Howrah, the labourers predominate and they will be hard hit if the rates are increased. The same is the case with the South Suburban Municipality and the Tollygunge Municipality where the labourers are in the majority. Now, Sir, we all understand that the bridge is a necessity, but why tax the labourers in order to have a cantilever bridge when we can get a floating bridge at a lesser cost. The Select Committee will have to take all this into consideration, and after taking an estimate of the expenditure involved, they should decide on the type of bridge

that should be built on the Hooghly. Now, with regard to the other taxation proposed in clause 8 of the Bill, the one suggesting a tax of 3 pies on every railway passenger, will cause great hardship not only to the labourers, but to the middle-class people as well. Then the taxation of passengers of sea-going vessels will adversely affect many poor labourers who go to Rangoon and other places and it will indeed be a great hardship to them, if they have to pay annas eight more for each ticket. So from the labourers' point of view, a cantilever bridge will be too costly. Admitting, however, that we want a bridge at Howrah, my idea is that the bridge should not be of a cantilever type; it should be of a type that has been suggested in the memorandum of Sir Bradford Leslie. I hope the Select Committee will give their best consideration to these matters which I have just placed before the House from the labourers' point of view.

The Hon'ble Mr. T. EMERSON: As I said before, I have no objection to any of the amendments and this is not the time to reply to the observations made by the various speakers. The subject which we are dealing with will come up again in the Select Committee and there we shall be in a position to place Government's views for the guidance of the Committee. At present all I have to say is that I accept on behalf of Government all the amendments that have been moved.

The motions of Mr. F. E. James, Dr. Pramathanath Banerjea, Babu Amulya Dhone Addy, Maulvi Abdur Raschid Khan and Babu Manomohon Neogi were then put and agreed to.

Mr. PRESIDENT: The question is that the Howrah Bridge Bill, 1924, be referred to a Select Committee, consisting of Mr. H. C. Liddell, Mr. J. A. Woodhead, Mr. G. G. Dey, Babu Jatindra Nath Basu, Babu Naliniranjan Sarkar, Babu Khagendra Nath Ganguly, Khan Bahadur S. Mahboob Aley, Mr. Huseyn Shaheed Suhrawardy, Maulvi Wahed Hossain, Mr. Syed M. Masih, Mr. G. Morgan, Mr. K. Campbell, Mr. Tarit Bhusan Roy, Mr. J. F. Smaith, Dr. Bidhan Chandra Roy, Babu Taraknath Mukerjea, Babu Surendra Nath Ray, Raja Reshee Case Law, Babu Debi Prosad Khaitan, Maulvi Md. Nurul Huq Chaudhury, Dr. Pramathanath Banerjea and Mr. Nirmal Chandra Chunder and the Hon'ble Mr. T. Emerson, five to form a quorum, with instructions to submit their report for presentation to the Council as soon as possible.

The motion was put and agreed to.

The Bengal Highways Bill, 1925.

The Hon'ble Mr. T. EMERSON: I beg to introduce a Bill to provide for the better maintenance and control of Government roads in Bengal.

(The Secretary then read the short title of the Bill.)

The Hon'ble Mr. T. EMERSON: I beg to move that the said Bill be taken into consideration. The Bill is required in the interests of the administration of the provincial roads which are at present handicapped, as compared both with roads in the municipalities and those belonging to district boards, owing to the absence of any law under which by-laws can be framed. The Bill have been circulated for opinion, and the suggestions which Government has been able to adopt have been incorporated in the Bill by means of amendments which I propose to move if this Bill is taken into consideration. The opinions received show that it is generally held that legislation of this nature is needed, and I trust that after the adoption of some of the amendments on the paper, the Bill will meet with the general approval of Council.

The motion was then put and agreed to.

The Hon'ble Mr. T. EMERSON: I beg to move that after the preamble the following be inserted, namely:—

"And whereas the previous sanction of the Governor-General under sub-section 3 of section 80A of the Government of India Act has been obtained to the passing of this Act."

When the Bill was first published it was thought that the Government of India's sanction was unnecessary, but the Government of India drew our attention to the fact that this sanction was necessary; hence this alteration.

The motion was put and agreed to.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill. The comma after "Government" in clause 1(3) is a printing mistake and should be omitted.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

Babu AMULYA DHONE ADDY: I beg to move that at the end of clause 2, the following be added, namely:—

"Provided, however, that nothing in the definition of Government read under this Act shall affect the provisions of section 295 of the Calcutta Municipal Act, 1923, and the by-laws under section 559 framed under the repealed Calcutta Municipal Act of 1899 or the by-laws under section 478 of the Repealing Act of 1923, that may be framed hereafter, so far as they empower the Corporation to take

action in respect of the Government roads and streets now under the control of the Corporation of Calcutta."

I beg to state that my amendment embodies the unanimous recommendation of the Corporation of Calcutta to which this Bill was referred. There are certain roads in Calcutta which belong to Government but are under the control of the Corporation of Calcutta and they have kept them in very good condition. I beg to submit that the control of the Corporation, so far as these roads are concerned, should not be taken away and entrusted to the Public Works Department. Therefore, as the Corporation of Calcutta is a democratic body, it is right and just that this power should be continued to be vested in the Corporation itself.

The Hon'ble Mr. T. EMERSON: I am prepared to accept the amendment of Babu Amulya Dhone Addy in a slightly altered form. The altered form would be—

"Provided that nothing in this definition shall affect the provisions of the Calcutta Municipal Act, 1923, or of any rule or by-law made thereunder, in so far as they empower the Corporation of Calcutta to take action in respect of the Government roads now under the control of the Corporation."

I may say that the object of Babu Amulya Dhone Addy and mine is exactly the same, that is, to exclude all Government roads inside the area of the Corporation of Calcutta from the operation of this Act.

Babu AMULYA DHONE ADDY: I thank the Hon'ble Member, and accept his suggestion.

The amendment as modified was then put and agreed to.

Mr. PRESIDENT: The question is that clause 2, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 3.

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The Hon'ble Mr. T. EMERSON: I beg to move that in clause 3, lines 1 and 2, for the words "the Local Government may by notification in the *Calcutta Gazette* and" the words "the Local Government or any officer empowered by the Local Government in this behalf may" be substituted.

This is one of the suggestions that we have received in the opinions on the Bill, and we accept it for practical purposes.

The motion was put and agreed to.

Babu ABANISH CHANDRA RAY: I beg to move that in clause 3, line 7, after the word "other" the word "similar" be inserted.

My amendment is intended simply for providing some sort of checkmate upon the large powers proposed to be conferred on the Government as contemplated in section 5 of the Bill. The Government already enjoy overwhelming power in regard to such public matters. Such powers are often liable to be abused. So it is necessary that the Bill should be amended so as to provide a legitimate limit to the operations of the powers contemplated herein. With this end I have moved my amendment, that is, to limit the scope and extent of the section within its real intention.

The Hon'ble Mr. T. EMERSON: I accept this amendment on behalf of Government. We have no objection to the insertion.

The motion was put and agreed to.

The Hon'ble Mr. T. EMERSON: I beg to move that in the proviso to clause 3, line 1, after the words "Local Government" the words "or any officer empowered by the Local Government in this behalf" be inserted.

The reason for this amendment is the same as that for the former amendment to the same clause, and I hope the Council will accept it.

The motion was put and agreed to.

The Hon'ble Mr. T. EMERSON: I beg to move that in the proviso to clause 3, line 3, after the word "bound" the words "where possible" be inserted.

In the originally drafted Bill this was considered unnecessary but it was pointed out by some of the authorities who gave opinions on the Bill that the words would be useful. So we have inserted them.

The motion was put and agreed to.

Babu AMULYA DHONE ADDY: I beg to move that at the end of clause 3, the following be added, namely:—

"Provided also that no length of road over half a mile at a stretch be closed at a time and, where possible, in such closed parts, a diversion be provided."

It appears from the report of the District Officer of Midnapore that the Public Works Department has been most negligent in the case of closure of roads for repairs. Our attention has been drawn to

the case of a portion of the Grand Trunk Road from Midnapore to Bhola, a distance of 10 miles, which was closed. Another case of the same road from Midnapore towards Balasore, a distance of 15 miles, was closed. You can imagine, Sir, the inconvenience to the public at large in driving along this important road. This closure was not for a day, not for a week or so, but for a long time, for 3½ months, from the 20th June, 1924, to the 19th October, 1924. That is the reason why the district authorities of Midnapore suggested that there should be a rule to the effect that no length over half a mile in extent should be closed at a time. The Commissioner of the Burdwan Division states that he has had a sad experience of the upkeep of a portion of the Grand Trunk Road by the Public Works Department. He is not satisfied with the suggestion of the District Officer that this should be included in the rules to be framed under the Act. He says that there should be distinct provision in the Act itself so that pressure might be brought to bear on the officers of the Public Works Department. Therefore I beg to submit that this provision should be embodied, not in the proposed rules as suggested by the District Officer, but in the Act itself, as suggested by the Divisional Commissioner of Burdwan. Under the present system much inconvenience has been caused to the public.

The Hon'ble Mr. T. EMERSON: We have no objection whatever to this provision being incorporated in the rules we propose to frame under the Act, as we think it is a matter of detail which can be dealt with in the rules. I would suggest that the more appropriate place for this provision would be in the rules. If Mr. Addy wishes to press his request that it should be put in the Act, I should like to have an opportunity for speaking again, if that is permissible.

Babu AMULYA DHONE ADDY: I have the greatest confidence in Mr. Emerson and thank him for his kind assurance that it will be taken up at the time the rules are framed, and I beg leave to withdraw the motion accordingly.

Mr. PRESIDENT: The member asks for leave to withdraw his amendment; does any member object?

Maulvi MD. NURUL HUQ CHAUDHURI: I object to the motion being withdrawn. The difficulty is this: either the law as it is ought to be amended or a section be provided in the Bill. But there is nothing in the Bill to provide for this. Therefore we cannot allow the member to withdraw his motion.

The Hon'ble Mr. T. EMERSON: I can only press my point if the whole House agree with me. In this case I find there is opposition.

Mr. Addy's provision should be expressed in a different way which will mean the same thing. I would suggest the following:—

"Provided also that where there is a stretch of road over half a mile in length, the road or part thereof closed at any one time shall not exceed half a mile in length and that where possible in such closed parts, an alternative route shall be provided."

That is of the same effect as Mr. Addy's amendment.

The amendment suggested by the Hon'ble Mr. T. Emerson was then put and agreed to.

Mr. PRESIDENT: The question is that clause 3, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 4.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

Babu ABANISH CHANDRA RAY: I beg to move that in clause 4(*1*) (*iv*), lines 2 and 3, for the words "or for public purposes" the words "or for the purposes specifically set forth in section 3" be substituted.

I have already stated the reasons for my motions, and I have nothing further to add.

The Hon'ble Mr. T. EMERSON: I accept the motion.

The motion was then put and agreed to.

Babu AMULYA DHONE ADDY: I beg to move that after clause 4(*2*) the following be inserted, namely:—

"(*3*) The power to make rules under this section is subject to the condition of the rules being made after previous publication and to the following further conditions, namely:—

(*a*) a draft of the rules shall be published in the *Calcutta Gazette* and in local newspapers, and

(*b*) such draft shall not be further proceeded with until after the expiration of a period of one month from such publication."

In the Bill, as it stands, under clause 4, the Local Government may make rules, etc., and all such rules made under this section shall be

published in the *Calcutta Gazette*. But there is no proposal for taking public opinion on the draft rules, and that is the reason why there is a great misapprehension. It appears from the proceedings of a meeting of the Calcutta Corporation on this Bill that one of the members stated that it is the duty of the legislature to prescribe that the draft rules should be published for eliciting public opinion and that it would be unfortunate if such important matters are not provided for in the Act itself, and regulated by rules to be framed by the Local Government.

I therefore beg to submit in order to avoid this misapprehension it is desirable that the proposal of the Government for framing new rules should be published in the *Calcutta Gazette*, and not only in the *Calcutta Gazette*, but also in local newspapers, because mufassal people cannot be expected to purchase the *Calcutta Gazette*. If the Government has a mind to obtain the opinion of the public and if the Government has a mind to give the members of the public an opportunity to express an opinion, then I hope and trust that the Hon'ble Member will accept the amendment. Of course Government is the final authority in these matters, but at the same time we ought to have an opportunity of stating our views. It cannot be said that such rules are necessary and are covered by the Bengal General Clauses Act. I find under section 24 of the Bengal General Clauses Act of 1899 it is laid down that where by any Bengal Act a power to make rules or bye-laws is expressed to be given subject to the condition of the rules or bye-laws being made after previous publication, then the following provisions shall apply, etc., etc.

But in the Bill itself there is no such provision.

I also find that in the Calcutta Municipal Act, 1923, there is a similar provision, because I find that under section 481 the power to make rules and bye-laws under that Act are subject to the conditions, amongst others, that the draft of the rules or bye-laws, as the case may be, will be published in the *Calcutta Gazette* and local newspapers and that such drafts will not be further proceeded with until after the expiration of a period of one month from such date or such other period as the Corporation shall prescribe. Therefore I beg to submit that there will continue to be this misapprehension unless Government, before they prescribe more stringent, more arbitrary rules, let the public have an opportunity of making suggestions or objections so that they may be taken into consideration before coming to a decision.

The Hon'ble Mr. T. EMERSON: I accept the new sub-clause suggested by Mr. Addy with some slight verbal alterations which will not affect the meaning, that is, by inserting the words "by notification" after the word "published".

Babu AMULYA DHONE ADDY: I accept the amendment of the Hon'ble Member.

The motion, as amended, was then put and agreed to.

Mr. PRESIDENT: The question is that clause 4, as amended, stand part of the Bill.

The motion was put and agreed to.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Clause 5.

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

SHAH SYED EMDADUL HAQ moved that in clause 5—

(*i*) in lines 3 and 4, for the words "fifty-rupees", the words "ten rupees", and

(*ii*) in line 5, for the words "five rupees", the words "one rupee" be substituted.

He spoke in Bengali in support of his motion, an English translation of which is as follows:—

It is proper, in enacting a measure, to take into consideration the condition of those for whom it is meant. Now, the majority of those for whom the said measure is meant are simple-minded rural cultivators. We ourselves belong to the village and have been elected by the village people; we can certainly claim more knowledge and better understanding of the condition of the village people than the Hon'ble Member-in-charge. This new measure is likely to give rise to circumstances which in many cases may involve the ignorant and simple-minded village people in danger and disgrace. Finding that in this condition, Rs. 50 and Rs. 5 put down as above will cause excessive hardship, I gave notice of this motion to reduce Rs. 50 to Rs. 10 and Rs. 5 to Re. 1. In reply, Government might state that Rs. 50 and Rs. 5 have been fixed as maximum amounts, it is not indicated that the judges shall not have the power of reducing them according to the circumstances before them, or that they will not do so. But this argument should not be brought up in support of a case of minor offence, such as the present. It is likely that once caught in the meshes of this measure the village people in many instances will be punished inspite of being innocent. For this reason, the amounts given should be reduced as proposed. I hope that Government will accept my motion, and if they do not accept it, that the majority amongst the members who have been returned by the rural people, will vote for my motion, and perform their duty.

The Hon'ble Mr. T. EMERSON: The maximum fine of Rs. 50 and the daily fine of Rs. 5 which are provided by this clause are what are usually provided by similar sections or by-laws. It is not compulsory on Magistrates to impose the maximum fine for the first offence or for its recurrence; it is optional for them to impose any fine that they deem proper and I do not think there is anything to be gained by altering the clause and therefore should remain as it is. For these reasons, I would oppose the motion of the Shah Saheb.

The motion of Shah Syed Emdadul Haq was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Byomkes.
Chakravorty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Boroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Huq, Maulvi A. K. Fazl-ul.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Raschid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Baser.
Maity, Babu Mahendra Nath.
Moreno, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Naskar, Babu Ham Chandra.
Neogi, Babu Manmohon.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Suhrawardy, Mr. H. S.
Taraifdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ali, Mr. Altaf.
Basu, Babu Jatindra Nath.
Beg, Khan Bahadur Shujaat Ali.
Best, the Hon'ble S. P.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Corsoran, Mr. S. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. G.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Eddis, Mr. S. E. G.
Emerson, the Hon'ble Mr. T
Farequi, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.

Guha, Mr. P. N.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Nandy, Maharaj Kumar Sris Chandra.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath, of Santosh.
Roy, Mr. S. N.
Roy, Raja Manilall Singh.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 62 and the Noes 40, the motion was carried.

Mr. PRESIDENT: The question is that clause 5, as amended, stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. T. EMERSON: I beg to move that the Bengal Highways Bill, 1925, as settled in Council, be passed.

The motion was put and agreed to.

The Dacca University (Amendment) Bill, 1925.

The Hon'ble Sir ABD-UR-RAHIM: I rise to introduce a Bill further to amend the Dacca University Act, 1920.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sir ABD-UR-RAHIM: I move that the said Bill be taken into consideration.

The Bill is a short one but it is necessary to state the salient facts regarding the Dacca University which induced us to place this Bill before the Council. The Dacca University, as the House is aware, is a creation entirely of the Government. When the question was mooted, a strong Committee was appointed and that Committee, after considerable deliberation, framed the outlines of the scheme for the Dacca University. The Government of India accepted the proposals of the Committee and set aside Rs. 5½ lakhs a year from 1912-1913 to 1921. So, at the end of 1920 the accumulations amounted to Rs. 60 lakhs which was intended for the Dacca University when it is started. The Government also then promised to give to the Dacca University Rs. 7½ lakhs a year by way of a recurring grant. The Dacca University has no endowments and no large fee fund to support it. It has to depend almost entirely

on grants from the Government. It was started under these circumstances, and the University, since it was started, has therefore been depending almost entirely on the Government grant. The income from fees and other investments is only a little over a lakh of rupees. It is clear, therefore, that but for the grant which the University receives from the Government, it is impossible for it to carry on its operations at all. It is now 5 years since it was founded and every year it had to come up before the Council for a grant to carry on its work. It has been receiving from this Council about Rs. 5 lakhs a year—one year it received Rs. 6¼ lakhs in addition to the amounts which were to be devoted to capital expenditure. Therefore, there is no difficulty so far as this House is concerned as regards the amount to be granted to the Dacca University. This House has had a number of opportunities for discussing the arrangements of the Dacca University and many members of the House availed themselves of those opportunities to go into the details of the whole position and to discuss what amount was reasonably necessary or essential to carry on the administration of the Dacca University. Every year the Dacca University was able to prove that the demand that it was making was just and reasonable and necessary to run the administration of the University efficiently. We have provided in this Bill, not for Rs. 5 lakhs, but for 5½ lakhs. That half a lakh of rupees has been added for providing for the increments in the salaries of its staff. As you know in this country most of the officers in the administration have to be paid on an incremental basis. That is also the case with the Dacca University. That will consume a good portion of this extra half a lakh of rupees and the rest is provided for meeting any unforeseen expenditure which is bound to arise from time to time. I must also make it clear to the House that the activities of the Dacca University are at present confined merely to the ordinary Arts and Science courses. As we all know, it is a teaching University and not merely an affiliating or examining University, even its present activities cannot be carried on without the permanent grant we are asking for. But the Dacca University wants to open an Agricultural course which is one of the essential needs of the Province, because for this purpose there is no place in Bengal more suitable than Dacca. As a matter of fact it has been laid down that such a course should be an important feature of the Dacca University. Then there is in East Bengal as elsewhere a great demand for vocational and technical courses. That also has to be provided for. What I want to say is this, that it is necessary to make this grant permanent so that the Dacca University may carry on its essential activities. I want to make this quite clear because I understand that there are people who say that if we make this grant permanent we will have nothing more to do with the Dacca University—we will have no sort of say as regards the arrangement of the Dacca University and how it is administered. That is not so. It will have to come up before us from time to time for further grants.

This amount in the Bill is absolutely essential for the carrying on the present minimum work of the University. We want you to make a statutory grant because the Dacca University, like every other University, has to make plans beforehand and cannot do so without an assured income. It is intended to be a self-governing institution and we have, therefore, provided it with an elaborate constitution, a Court in which the public are fully represented, an Executive Council and an Academic Court for the management of its internal affairs. I venture to think that no member would suggest for a moment that this House should control the internal management of the University. No University would consent to allow the House to interfere in its internal affairs and I am sure that no one would seek for such a power as that. If that is so, I say you must place sufficient funds at the disposal of the University to meet its ordinary expenditure. Unless you do that, it is no good saying that the University should be independent self-governing institution. If it has no funds—if it has to come before the Council every year for a grant, for its ordinary expenditure then you keep the University absolutely in a position of uncertainty. The University has to make schemes covering a period of years. It has to appoint teachers and others to carry on the work, and it has to appoint them for a number of years. You cannot expect men to come and join the University unless there is a certainty, and unless they are appointed for a certain number of years. This cannot be done unless you make a minimum statutory grant. I am not here to suggest for one moment that this House will not be sympathetic or will not make grants from year to year but we have to recognise the fact that the University cannot make any schemes covering a period of years unless there is a certainty about the grant. What we are asking in this Bill therefore is to ensure the University the minimum amount necessary for carrying on its work. It has been said in some quarters that we are treating the Dacca University in a more favourable manner than the Calcutta University. But the position of the two Universities is quite different. The Calcutta University has a large fee fund and it has got an income from endowments and other things. I believe the total income from these sources comes up to between Rs. 20 and 22 lakhs a year so that the Calcutta University has a very good income to rely upon. It could dispense with any grant from Government if forced to do so. As a matter of fact, for years the Calcutta University carried on without any grant from Government at all. But I do not suggest for one moment that, either this House or the Government will not make grants to the Calcutta University and I make this statement in the hope that there should be no misunderstanding on the point. We are prepared, so far as the present demands of the Calcutta University are concerned, to examine the report of the Post-graduate Committee and as we are trying to meet the needs of the Dacca University we shall not only make the necessary grant but shall make a statutory provision for the amount needed in the case of the Calcutta

University. So the friends of the Calcutta University need have absolutely no apprehension in regard to this matter. His Excellency the Governor on more than one occasion has expressed his sympathy with the post-graduate work. We have already provided 2 lakhs of rupees in the current year's budget to meet the arrears in this connection and we are examining the demands of the Calcutta University for a recurring grant in a sympathetic spirit and when that is finished we shall be prepared to make an adequate provision for the post-graduate department. As I have said, we are also prepared to introduce a Bill for making a statutory provision for the post-graduate department after we have examined the report of the Committee. Sir, it has also been suggested that this Bill is making an unusual proposal. Well, I do not want to say that this is quite an ordinary proposal, but we have the example of other governments in India which have made statutory provisions for their Universities. Madras is one of them, and I believe there are other Universities also which receive by statute what we are going to give to the Dacca University. I submit to the House that in the circumstances of the Dacca University it is very necessary to make this provision. If we keep the University uncertain as regards its resources, the sure result will be that it will deteriorate, and the University will never be able to secure for its service the best men we want if these men feel that there is a want of security. If you want the University to go on, it will be necessary, I submit, that we should make a statutory grant. I do not think there is any member in this House who will dispute the proposition that a University ought to be as independent as possible in regard to its finances. Doubts have been raised in some quarters as regards the principle on which the Bill has been founded. I shall read to you, in this connection, a passage from the report of the Universities Grants Committee of England which I hope will be instructive to the House.

Dr. BIDHAN CHANDRA ROY: May I inquire the date of that report?

The Hon'ble Sir ABD-UR-RAHIM: The report is dated 1925 and relates to the academic year 1923-24. This is what is stated there:—

> It has therefore been our constant endeavour in the administration of the Treasury grants, not to impair the autonomy of the Universities or to diminish in any way their sense of responsibility. With this aim we have always recommended, and shall continue to recommend, that so far as possible the annual Treasury grants should be given as block grants in aid of a University's general income, and that, provided the obvious limits of financial prudence are not transgressed, it should ultimately remain with each University itself to decide in what precise way its income, including the Government grant, should be distributed over the field of its activities, for without control of finance there can be no effective control of policy.

I am sure this proposition will meet with the acceptance of every member of the House for in this very House we have repeatedly heard

this sentiment expressed by the friends of the Calcutta University, and I am sure no one will try to treat the Dacca University differently. There is another misapprehension as regards the Dacca University. It has been called a sectional University, but I will just give you some figures which will show that this is an absolutely wrong statement. By "sectional University" it has been suggested that it caters mainly for Muhammadans who preponderate in East Bengal. This is not true. The proportion of Muhammadan students to Hindu students in the Dacca University is about 1 to 3. Last year's figures are: Non-Mohammadans, *i.e.*, Hindus 852, Muhammadans 299. It is an absolutely misleading statement—false statement to say that the Dacca University is a sectional University. One of the first sections of the Dacca University Act lays down in the clearest possible language, that this University is open to all classes and creeds. It is not meant for a particular section of the community. In the Court in which the public are represented the Hindus and Muhammadans are equally divided, the Muhammadans slightly preponderating. The Court is not, however, the governing body. The governing body is the Executive Council consisting of almost equal number of members from both the communities. That is also the case in the Academic Department. If you take the staff, I should say 80 per cent. are non-Muhammadans—may be more. So I hope that an idea like that should not be entertained by any hon'ble members of this House. The Government is anxious to give the Dacca University a fair chance. It is a type of University very different from the Calcutta University, which is mainly an examining body, apart from its post-graduate work. Dacca University is entirely a teaching and residential University and those who have been to Dacca, I am sure, will agree with me that in Bengal they could not have a better place for such an University than Dacca. I say without any fear of contradiction that the Dacca University has been doing excellent work, it is full of possibilities and promises, and it would be the greatest pity if that University suffered in any way from financial difficulties. At the same time I must admit, and I admit with the greatest pleasure, that the Muhammadans of Eastern Bengal derive a substantial benefit from the Dacca University. In the Calcutta University's Senate their number I believe is about a dozen out of a total of something like 150. The number of Muhammadan students that are availing themselves of the opportunities afforded at Dacca has been increasing and naturally so, for in the East Bengal the Muhammadan population preponderates. It is only just that there should be a great seat of learning like this in Dacca. I hope there is not a single member in this House who will grudge the benefit which the Muhammadans in Eastern Bengal are deriving and I further hope that they will in fact take it as an additional recommendation.

Mr. PRESIDENT: Before I call upon you, Dr. Banerjea, to speak on your amendment, I should like to point out that if you want to

speak on the main question, you should do so now in the same speech. I won't allow you to make two speeches.

Dr. PRAMATHANATH BANERJEA: I beg to move, by way of amendment to motion of the Hon'ble Sir Abd-ur-Rahim, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th November, 1925.

I desire to make it clear at the outset that this is not a dilatory motion in any sense of the term. Important questions of principle are involved in the measure brought before this Council by the Hon'ble Sir Abd-ur-Rahim, and my object in moving this amendment is to afford an opportunity to political and educational institutions for expressing their opinion on these questions.

I should like to place before this Council the grounds on which I urge the acceptance of this amendment. In the first place, this Bill seeks to restrict the powers of the Legislative Council in however small a measure it may be. The annual voting of grants by the Legislative Council enables the Council to put a salutary check on unnecessary expenditure and also to control the policy of administrative departments of Government and of institutions which are assisted out of public funds. Sir, this is a very potent and effective weapon in the hands of the Legislative Council. The question now is—Is it desirable for this Council to lay aside this weapon or to allow it to rust?

Circumstances may arise in which it may be desirable for the greater good of the community that the Council should not exercise this power and I am personally of opinion that there can be no better case for the non-exercise by the Council of this power than that of a University. The autonomy of a University is a thing desirable in itself but it is also desirable in the general interests of the community. But while this is my personal opinion I cannot shut my eyes to the fact that opinions of a different character are held by others. The *Statesman* of Calcutta, representing an influential section of public opinion, says "It is a fundamental principle of democracy that payment from public funds should be attended by a public scrutiny and what experience has shown elsewhere should not be lightly abandoned in India". The Government of India Act has conferred privileges and imposed obligations upon the Council and among them popular control of education is one. I find also that the Indian Association of Calcutta, of which the late Sir Surendra Nath Banerjea was the President, expressed the opinion that this Bill should not be passed immediately but should be circulated for eliciting public opinion.

The next question which should be considered in this connection is whether it is possible to safeguard the interests of the University without restricting the powers of the Council. A solution perhaps would be found in providing a statutory grant covering to the bulk of the expenditure of the University leaving a small amount to be voted

annually by the Council. But this is a matter which also should be threshed out clearly by the public and by the members of the Council before they accepted it.

Lastly, it is desirable that the public should express its opinion definitely on the question whether or not there should be differential treatment between the two Universities in the same province.

Sir Abd-ur-Rahim has mentioned certain points of difference between the Calcutta and Dacca Universities. He says that the Dacca University is the creation entirely of Government; so also is the Calcutta University. The Calcutta University was created by an Act of the Indian Legislature and was not brought into existence by a resolution passed at a public meeting. Sir Abd-ur-Rahim says again that the Dacca University has to depend entirely on Government and that it has no resources of its own; its fee fund is small and it has no endowment. It is true that in some of these respects the position of the Calcutta University differs to some extent from that of the Dacca University, but what should be the principle on which public funds ought to be expended? Would you not help those that help themselves to a greater extent than those who are unable to help themselves? I do not see any point in the distinction which Sir Abd-ur-Rahim has drawn between the two Universities. He further says that the Calcutta University can dispense with the Government grant. This is not a fact. I am sorry that an Hon'ble Member in the position of Sir Abd-ur-Rahim should have made such a remark. He, of all persons, ought to know what difficulties the Calcutta University has had to contend with during the last 5 years—how great has been its financial distress, and what sufferings its teachers have undergone. But I will not dilate on these points. I am told that the Calcutta University has the sympathy of Government—sympathy in an abundant measure, but what about funds? Sir Abd-ur-Rahim and his department have been investigating this question of funds for the last three or four months and still they have not had time to come to a decision! Sympathy indeed! I am thankful for the grants which the Calcutta University has received in the past, but I must say that these grants have always been made tardily and after the teachers have undergone great distress. It is for the public to say whether the Calcutta University should be treated in this shabby manner and the Dacca University should be treated in a different manner. I wish the Dacca University to grow up into a great centre of learning. I wish the Dacca University to be well provided with funds out of public revenues, but I also wish that the Calcutta University should receive full justice at the hands of Government. When this is decided upon and the principle whether a statutory grant should be made to a University is fully threshed out in the press and on the public platform, I shall agree to a measure which will incorporate the provisions regarding the two Universities in one Bill so that both the Universities may have full autonomy and they may both grow up to their full stature in an atmosphere of freedom.

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I rise to oppose the amendment moved by Dr. Banerjea and have much pleasure in giving my whole-hearted support to the Bill just introduced by my friend the Hon'ble Sir Abd-ur-Rahim. It is a measure the necessity for which, I am sure, will be transparent to all. Owing to the recent announcement of the policy of our friends opposite it is of paramount importance that the Dacca University Act should be amended in such a way as to safeguard the very life of the University which is yet in its cradle and has to depend for its very existence upon the support of the Government.

I take it that every self-governing institution must have an assured income to enable it to discharge its duties without let or hindrance from outside. How does the Dacca University stand in this respect and what is the history of its genesis? When Eastern Bengal and Assam, a Province which was destined to blossom and fade away and which I had the unique privilege of representing for the first and last time in both Hindu and Moslem interests in the old Imperial Legislative Council was done to death by a single stroke of the pen it was felt that something should be done for the uplift of the great Moslem community of both the Bengal by establishing at the headquarters of the whilom province an University which would not merely be an examining body but also a teaching institution modelled on the lines of the great Universities of Oxford and Cambridge. Is it then not meet and proper that this institution should be assured of a continuous existence and not be left in a position where it may be throttled at any moment owing to any freak or a passing whim on the part of any political caucus that might be in power. I may at once say that to provide against such a contingency the immediate passing of this measure is necessary.

We have just heard that the Government of India started this University with an initial capital grant of 30 lakhs and a recurring grant of 5 lakhs which had to accumulate to 70 lakhs before the work could be begun. The estimate that was drawn up at the time on the lines of the Calcutta University Commission's report showed that a sum of 7½ to 11½ lakhs of rupees would be required as recurring expenditure to enable it to discharge its function in a suitable way but then came the Great World War and in its wake followed scarcity of funds all over the world. It was therefore with consumate ability that the then treasurer, Mr. Lindsay, who happily is present in our midst to-day, with the assistance of one or two other functionaries, was able to trim that estimate and bring it down to 5 lakhs or thereabout. Since then, the only assured income that the University can count upon is roughly a lakh and a quarter in fees and half-a-lakh from investment. In addition to this the University has been receiving about 5 lakhs from the

Government of Bengal from the year 1920 or 1921. This then represents practically the sum total of the University's stock of funds.

Comparisons are always odious and I would feign have recourse to such a method in my advocacy for support of this Bill but, at the present moment I am compelled to draw a parallel with the Calcutta University and to show that the assured revenue which that *almamater* possesses is over 10 lakhs from Matriculation fees alone.

Dr. BIDHAN CHANDRA ROY: 10 lakhs from Matriculation fees alone?

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: Yes: When now-a-days one hears so much of the boasted Hindu-Moslem pact I am sure no Hindu brother in this House would grudge this infant University, where Moslem element is ever on the increase, this small measure of safety from the sword of Domocles that would otherwise be ever hanging over its head. Dr. Banerjea has told us, however, that some method of expressing public approval or disapproval of the policy of the University should be left open and therefore either, firstly, this measure should not be passed or, secondly, a lakh or any appreciable sum out of the proposed 5½ lakhs should be left on the votable list or, thirdly, the salary of the Vice-Chancellor should be left open to the mercy of this Council. I shall say straight-away without the least hesitation that I am entirely opposed to any of these proposals. I think, Sir, fellow members of this House will agree when I say that no person worthy of his salt outside Bedlam would ever consent to come out from Europe to act as Vice-Chancellor with such uncertainty hanging over his head nor would it be at all possible to find a worthy Vice-Chancellor in India who could consent to accept such a position. I quite admit that this measure would be looked upon as unconstitutional if it were intended to shut out all healthy criticism and all light of day to bear upon its policy, but surely there are various methods ready at hand whereby the policy of the University could always be discussed in the Council, whereas a result of such discussion arising from any resolution a Committee can always be called into existence to enquire into the affairs and the policy of the University and on the result of such an inquiry it would always be open to the members of this House to end or rescind the Act in any way that the majority pleased. Then, wherefore is the necessity of even keeping a margin of a lakh or so out of the proposed 5½ lakhs on the votable list and thereby cripple its resources and clog the wheels of the University machinery from running smoothly.

For these reasons, Sir, I urge with all the emphasis at my command that we one and all should pass this measure without the least hesitation.

Dr. BIDHAN CHANDRA ROY: I am very sorry that Sir Abd-ur-Rahim should have concluded his speech in the way he did. He criticised the speeches of those who raised the sectional question but how did he end his speech? Calcutta University——

Mr. PRESIDENT: You had better move your amendment first. It is no use making two speeches. You can make only one speech, first dealing with your own amendment and then with the main question.

Maulvi MD. NURUL HUQ CHAUDHURI: On a point of order. There are two amendments to the effect that the Dacca University Bill be referred to a Select Committee and that it be circulated for public opinion.

Mr. PRESIDENT: I propose to have discussion on all the amendments. First the amendments will be moved and then speeches may be made dealing with all the motions before the House.

Rai HARENDRANATH CHAUDHURI: Why then was Mr. Ghuznavi allowed to speak?

Mr. PRESIDENT: That is in my discretion. Please go on Dr. Roy.

Dr. BIDHAN CHANDRA ROY: I beg to move, by way of amendment to the motion of the Hon'ble Sir Abd-ur-Rahim, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Abd-ur-Rahim, Dr. Pramathanath Banerjea, Mr. A. F. Rahman, Sir Provash Chandra Mitter, Babu Bejoy Krishna Bose, Babu Manmatha Nath Roy, Rai Harendranath Chaudhuri, Maulvi Wahed Hossain, Mr. J. H. Lindsay, Dr. Abdulla Suhrawardy and myself, five to form a quorum, with instructions to submit their report before the 15th November, 1925, for presentation to the Council.

With the permission of the House, I would like to include some of the names which are mentioned in the next two amendments, as I understand that on the inclusion of these names, the movers of these amendments will withdraw theirs. May I mention the names that I want to be included in the Select Committee?

Mr. PRESIDENT: You are now moving only your amendment.

Dr. BIDHAN CHANDRA ROY: If the House gives me permission, I would add the few names which have been mentioned in amendments Nos. 3 and 4.

Mr. PRESIDENT: Let us have your speech first, and then I might permit you to include the names.

Dr. BIDHAN CHANDRA ROY: As I began, I am very sorry that Sir Abd-ur-Rahim should have ended his speech in the way he did, by appeal to communal feelings. It was he who complained that certain opinions have been expressed and sectional arguments have been advanced with regard to the Dacca University—yet, in fact, what did he say towards the end of his speech: He said: "The Muhammadans deserve special benefit". Why must he find it necessary to refer to the benefits the Muhammadans were to get, in order to induce members of the House to vote for his Bill. Then again he said by way of illustration that in the Calcutta University Senate there are only six Muhammadans. May I ask: who is responsible for this state of affairs? There are 100 members in the Senate of whom practically 90 members are nominated by the Government. The Hon'ble Member himself or his predecessor must have been responsible for this state of affairs—it is not the Calcutta University which can be blamed for it. He has raised this question, has appealed to the communal feelings and said: Do not grudge any benefit to the Muhammadans in Eastern Bengal. For myself, I shall be glad to see not one University in Dacca, not one University in Eastern Bengal, but practically one University in every division of Bengal, and then only I and public opinion will be satisfied. At the outset I wish to make my position perfectly clear, and I repeat what I said as a signatory to the Government Grant Committee Report, which was submitted to the Senate in the year 1922, and this is what we said:

> We desire to emphasise that if education is to be our policy as a nation, it must not be our politics: freedom is its very life-blood, the condition of its growth, the secret of its success—it demands liberty as well as support. We shall in this connection refer to only one other opinion, that of Professor Sir William Ridgeway of the University of Cambridge, who thus concludes his instructive paper on "Cambridge and the Royal Commission" (*Quarterly Review*, October 1922).
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> To sum up, the acceptance of a Government grant is fraught with the gravest danger. Unless it is made a permanent charge on the consolidated fund it will prove fatal to the autonomy of the University."

Sir, I stick to every word that was said in the report, and yet I have made up my mind to move the amendment which stands in my name for this reason.

The legislature is naturally anxious to exercise some control over the Universities and to ensure that adequate financial safeguards are provided, so that the money granted is well and properly spent; not only that, but in a growing University like the Dacca University, it is essential that public opinion should have ample liberty and scope in framing, guiding and modifying its policy from time to time.

We know that the Dacca University owed its origin to a demand from a certain section of the people and that the representatives of the people should have an opportunity of indicating to the University,

from time to time, whether they desire the money to be spent in one particular direction or not; for instance, whether they wish that a portion of the money should be spent for the backward communities, or that more money should be spent for the purpose of developing military training or vocational training of the students in the University. The Hon'ble Sir Abd-ur-Rahim has introduced a great deal of extraneous matters for the purpose of pushing forward his own Bill. He says that Dacca is a good centre for a residential University. No one denies that, and nobody has ever denied it either in the present or in the past, and I hope no one will deny it in the future. He says that the Dacca University has numerous wants, which University has not? On the other hand I think there is no University in the world which has such sufficient money of its own as to be able to do without State grants. In this connection, he has also said that for years the Calcutta University has carried on its work without any grants. But he has forgotten to mention that for years the Calcutta University was merely an examining body and the distress from which the Calcutta University now suffers is due to its having given effect to the Act of the Imperial Legislature of 1904, by which the Calcutta University was created as one for the promotion of teaching and research. I do not follow, why the Hon'ble Member should have used this argument at all. Is it because the Calcutta University can maintain and has maintained its own and has met its own expenses from the fee funds, therefore it should not get a small assistance from Government? May I be permitted to quote what Sir Henry Wheeler said in connection with the demands he asked for from the Council for the Kalimpong Homes and the Loreto Convent? He said that these institutions had attracted public generosity on an extensive scale, and he urged eloquently that they were entitled accordingly to liberal assistance from the public funds, for, as he put it tersely "it is a sound business transaction to encourage private liberality". I hope Sir Abd-ur-Rahim does not dispute that Sir Henry Wheeler was a very capable business man, so far as the Council's transactions were concerned. The real question at issue is not this: Is the Dacca University to obtain a State grant? Personally I may not be divulging a secret if I say that I made an application on behalf of the Calcutta University to Sir Abd-ur-Rahim, the Member in charge of Education, that the grant to be made to the Calcutta University might also be made "non-voted", or at least a portion of it. Therefore to me it is not a question as to whether it is essential that grants be made in such a way that any chance of voting in the Council may not affect the work of the University, so that those employed under the University may have a surety of tenure and their prospects may be ensured. These are questions which Sir Abd-ur-Rahim has brought out but they do not really require arguing at this stage. What I would wish to ask at the present moment is—has the Government been able to satisfy this Council that

the amount of Rs. 5½ lakhs is the minimum which the Dacca University wants? I will mention to you and to the members of Council the fact that the Dacca University had in the past been employing men who had previously worked in the Calcutta University and I will quote the salaries they had drawn in the two Universities and you will see what the difference is. Dr. Romesh Chandra Majumdar was drawing Rs. 425 in the Calcutta University and he is now getting a salary of Rs. 600 to Rs. 1,000. Dr Jnanendra Nath Ghosh was drawing Rs. 225 here——

Maulvi A. K. FAZL-UL HUQ: May I rise to a point of order? Is the hon'ble member in order in discussing the question of salaries?

Mr. PRESIDENT: Dr. Roy, please go on.

Dr. BIDHAN CHANDRA ROY: Dr. Ghosh who has been an University Professor in Dacca is now getting there Rs. 1,000. My position is this: if the services of these particular gentlemen are so valuable, by all means have their services, but let us understand that for each particular post the Dacca University has under its sway, there is a particular pay fixed for it. The particular gentlemen who are now enjoying the amenities of the Dacca University may have been employed for a certain terms and by all means let the Council give the extra sum which would be required over and above the pay which the posts should carry——

Mr. F. E. JAMES: I want to know whether these are the salaries which are being paid now.

Dr. BIDHAN CHANDRA ROY: I have got the report of the Post-graduate Organisation Committee and the Budget of the Dacca University which give these figures and they are public property. I need not go into the other examples, but will only say that unless you determine the lowest or the minimum cost of the Dacca University, it will affect the other Universities in two ways—first of all, Government revenues being very limited at present, Government cannot pay as much as it wishes to all the Universities. Last year, when the Government met the representation of the Calcutta University with regard to the deficit that the University has been suffering from year to year, it was pointed out to the Government that it would be necessary to go into every detail of the cost of the year before a minimum could be determined. The members of Council must have received the report which was issued after 75 sittings were held, which will show that a proposition such as this, namely, to find out the real needs of a University cannot be taken light-heartedly. The members of Dacca University must be asked to sit together and find out the minimum cost and also to fix the amount of pay that should be attached to the individual

posts and in order to remove hardships every person appointed there for a term should get what he is getting now over and above the salary thus fixed for the particular post.

There is another aspect which I would like to bring before the members of the House. We find it difficult for us to get men in the Calcutta University, because within half a day's journey from Calcutta they can get a higher salary and we shall lose our men unless we can also pay them the higher salary here. After all it will be the Government that will have to pay the money here as well as in Dacca. This difference in the scale would lead to an increase in cost in carrying on both the Universities. Therefore my proposition is—let the Select Committee frame certain issues and put them to the Dacca University as well as to other Universities which will be affected by this Bill. It will not be very late if in the November session of the Council the matter be brought forward again with all the information, so that we can go to the public and say that we have done this with our eyes open. It has been said that both the motions are dilatory. For the present the grant for this year has already been sanctioned by this Council, and even if we wait till November, it will not affect the present incumbents. I would, therefore, appeal to the members of the House to support my motion. It is not for the purpose of obstructing not for the purpose of refusing the grant, but for the purpose of eliciting more information, so that it may be possible for us to place before the members of Council and the public the minimum amount that the Dacca University requires and what the Council must give.

Mr. PRESIDENT: Do I understand that if your further amendment suggesting certain other names is allowed, the other two members are willing to withdraw their motions?

Dr. BIDHAN CHANDRA ROY: Yes, I understand so.

Maulvi MD. NURUL HUQ CHAUDHURY: Provided we are allowed to speak.

Mr. PRESIDENT: Certainly. What are the names you suggest, Dr. Roy?

Dr. BIDHAN CHANDRA ROY: I suggest the following names in addition to those which have already been mentioned:—

Maulvi Md. Nurul Huq Chaudhury,

Mr. Kiran Sankar Roy,

Mr. Syed M. Masih,

Mr. E. F. Oaten, and

Maulvi Abdur Rashid Khan.

If I am allowed I can say why I have chosen to add the names of these particular gentlemen to the Select Committee.

Mr. PRESIDENT: It is much better not to go into those details. Is there any objection to the alteration in this amendment?

There being no objection, the alteration was allowed.

Babu DEBI PROSAD KHAITAN: I rise to speak on this question because I think that there are some inconsistencies in the arguments of my hon'ble friends, Dr. Banerjea and Dr. Roy. Dr. Banerjea starts by laying down the constitutional principle that this Council should not give up its rights of scrutinising the accounts of the University and also laying down that in the beginning of each year the Council will decide as to what amount should be paid in respect of a particular item of expenditure.

Dr. PRAMATHANATH BANERJEA: I did not say that.

Babu DEBI PROSAD KHAITAN: This may not be the exact words which he used but if his principle is adopted, it would really come to this. If the Council is not going to scrutinise the expenditure of the Dacca University when they vote for grants, there is no earthly reason whatever why it should be necessary for the University to come forward year after year before the Council and ask for grants. I am sure both Doctors Roy and Banerjea are educationists and they have from year to year——

Dr. BIDHAN CHANDRA ROY: May I ask whether you are quite sure?

Mr. PRESIDENT: Order, order.

Babu DEBI PROSAD KHAITAN: I should not be surprised if they assure me that they are not educationists. In any case, I hope that they are educationists and that they are in favour of the spread of education in this country. There are many members not only in this Council but in previous Councils who have always complained against the non-allotment of sufficient funds for education. If there are such complaints, I cannot understand why, when the Government is coming forward for a statutory grant for an educational University, there should be any ground for opposition or complaint whatsoever. Sir, the speech of Dr. Banerjea is, I think, the strongest argument in support of this Bill. He cited the case of the Calcutta University and asked us to appreciate the difficulty of that University in obtaining even a small grant, either from the Council or from the Government. I am using the word "Council" advisedly, because in previous years a contention was raised that in the circumstances in which the Calcutta University was being managed, it was not advisable

for this Council to vote the grant unless and until some improvement were effected. Dr. Banerjea's contention was that neither the Council nor the Government should go into the question of the internal management of the University. Sir, there is the constitution of the Dacca University and that constitution has been passed by the Legislative Council. That constitution seeks to give certain rights of management to the elective representatives of the people as also to some nominees of Government. If this Council thinks that sufficient confidence ought to be reposed in that constitutional body, surely that ought to be a good ground for raising the constitutional issue. But so long as the constitution stands, I hope that this House will continue to repose its confidence to those who are entrusted with the management of the Dacca University. Just as in the case of the Calcutta University the complaint was that Government wanted to take away the liberty of the University authorities in regard to internal management of the University, what reason was there to think that in future Government will not similarly create difficulties in the way of the Dacca University by insisting on interfering with its internal management which would be very undesirable for the development of the University itself. From a business-like point of view I consider that, if any institution is to flourish, there should be a grant on which that institution can rely for its support and there should be no opportunity for the Council or the Government combining together and opposing the grants for its maintenance. Dr. Banerjea and Dr. Roy know perfectly well that, if at any time there is a dispute between the Government and the University—whatever the grounds of that may be—and if the Government does not choose to include in the Budget a demand for grant for the Dacca University, the rules do not permit any members of the Council to have it included in the Budget. In these circumstances, I think it is desirable, from the people's point of view, that an educational institution like the Dacca University should not be forced to rely on the tender mercies of the Government for including in the Budget an item for grant. In regard to the Calcutta University, if I have been able to follow the arguments of Dr. Banerjea and Dr. Roy their contention is that, if the Dacca University is going to be given a statutory grant the Calcutta University shall also be given a similar grant.

Dr. BIDHAN CHANDRA ROY: May I point out that that is not my argument?

Babu DEBI PROSAD KHAITAN: It may be that I am mistaken but I can sympathise with Dr. Roy and Dr. Banerjea in their desire to secure for the Calcutta University a statutory grant and I am no less eager than they in regard to this matter. We are on common grounds when I say that the Calcutta University should be placed in

a position that it may dispense with the mercy of the Council by having a statutory grant. If we are inclined to support a statutory grant for the Calcutta University why should we object to such a grant for the Dacca University. If there is difficulty in the way of giving a statutory grant to the Dacca University a similar difficulty must exist in the case of the Calcutta University also. But if it is contended that the Calcutta University should have a statutory grant it is no argument to say that if the Government is not merciful towards the Calcutta University it should not also be merciful towards the Dacca University. The whole question is this: Whether the Dacca University is a desirable institution or not. If it is thought desirable then the next question would be whether the Government should make a grant to that University and if a grant is thought necessary whether it should be made without giving the Council or the Government the right of interfering with the internal management of the University. If the Government is in a position to give a statutory grant to the Dacca University there is no reason why a similar demand from the Calcutta University should not be considered by Government. If Dr. Banerjea and Dr. Roy are really mindful of the interest of the Calcutta University I think they should allow this Bill to pass and then press the Government for a similar Bill in regard to the Calcutta University to be introduced. Personally speaking I think that there should be a statutory grant both for the Dacca as well as for the Calcutta University in order that the work of the two University may be conducted properly. Sir, the communal question raised by Sir Abd-ur-Rahim does not arise in this connection at all. It is not a question whether a particular section of a community will get more advantage out of the grant or not. If the country is to progress both Hindus and Muhammadans must receive a sufficient amount of education and I hope that this communal question does not exist in the minds of any members of this House.

Maulvi WAHED HOSSAIN: I like to say something regarding the confusion of ideas which I find prevails in the minds of some of the speakers who have taken part in the debate. I fail to understand why the question of Hindus and Muhammadans should be raised here, or why the question of communal interest should be discussed in this connection. It is purely a question of educational interest and I fail to understand the contention that because the University is situated in Eastern Bengal, therefore the Muhammadans have most interest in it. I fail to understand how can such a proposition be advanced having regard to the fact that the number of students in the Dacca University is predominently Hindu and the Muhammadan percentage is small. Therefore I think that the question of communal interest is quite out of place. I should like to point out one other thing. So far as the Dacca University is concerned, the real question to be decided is this:

Is it a popular institution or a State institution? If it is a State institution then we shall have to be very careful in scrutinising the mode of expenditure and examining the way in which the institution is run; but, as far as I understand the University, as constituted, is not a State institution but a popular educational institution with a certain amount of popular control in it. It may be that that control is not sufficient, but still it cannot be denied that it is meant to be a popular institution and struggling to be free from Government control. Now let us look to the position. If we fail to make this grant we shall be depriving the University of a popular control and make it dependent on Government. If the Government does not bring forward a motion for grant to the Dacca University what would be its position? The University authorities will have to go to Government every year and cajole and flatter the official members to give them some grant for its stabilisation. Then its position will always be of entire dependence.

But you make a permanent grant—I do not say 5 lakhs or 6 lakhs—whatever may be a reasonable grant if you make a grant, to that extent you free the University from depending upon Government to that extent you give it a posititon of independence. I, therefore, say that if a certain amount is necessary for its efficiency, we should not grudge it.

The question is then raised—shall we not consult the public opinion before making the grant? Now, there are instances to show that for a matter of 5 or 6 lakhs we do not always go for public opinion. Take for example the resolutions which have been tabled for discussion regarding the grant of Rs. 3 lakhs for the stabilisation of the Post graduate studies. Will you go to the public and ask for their opinion? I think, Sir, in such matters public opinion is not of such importance as we are attaching to it. No doubt public opiinon should be taken on important matters, but there are occasions on which we can, I think, exercise our own discretion and help the Dacca University, which is trying to make itself efficient and free from Government control. A complaint has been made that the Dacca University is accorded a differential treatment from that accorded to the Calcutta University, but is that a valid ground for opposing or delaying a Bill which will enable the University to have an efficient control over its own affairs? You may say that the control is not sufficient. But the remedy you are proposing is not the remedy which will cure the disease. The absence of statutory provision in the case of one institution or the differential treatment accorded to one institution is not a ground for refusing a grant to another institution which is trying to get sufficient control over its finances. I should like to make one thing clear. I welcome a spirit of healthy rivalry, but certainly not a spirit of jealousy. It is no ground that because the Calcutta University in certain respects do not receive as much support as the Dacca University, we should oppose the Bill. If

there be any valid ground, let that ground be stated, but I do not think that the differential treatment of the two Universities, is a valid ground for opposing the Bill.

Dr. PRAMATHANATH BANERJEA: May I ask who has opposed the Bill?

Maulvi WAHED HOSSAIN: I say the trend is so. The speeches go to show that. As I have said already I like a healthy spirit of rivalry but certainly not a spirit of jealousy.

There is one thing more. It is said that there is no statutory provision for a permanent grant in the case of the Calcutta University. Well, if any gentleman wants that, let him bring forward a Bill, but if the Dacca University wants a guarantee—a sort of assurance for the management for its own affairs—certainly I shall say that the absence of a statutory provision in the case of one institution is not a valid ground for opposing, or throwing out, or even for delaying this Bill in the case of the Dacca University.

Babu AMULYA DHONE ADDY: I have much pleasure in supporting the amendment of Dr. B. C. Roy and the amendment of Dr. Banerjea in which he proposes to have public opinion on the subject.

Babu DEBI PROSAD KHAITAN: Which amendment is he supporting?

Mr. PRESIDENT: Are you supporting both the amendments?

Babu AMULYA DHONE ADDY: If the first amendment is lost, then I will support the second amendment. Sir, in the case of the Bengal Highways Bill, Government had been pleased to ask for the opinion not only of the District Officers, but also of several public bodies, but I am really astonished to find that in the case of this Bill, in which we are going to commit ourselves to an expenditure of Rs. 5½ lakhs a year not for one year but for good—no such opinion has been asked for. Sir, it is a question of principle. This Council has full control on the question of grants to the Universities—either the Dacca University or the Calcutta University. We get an opportunity of discussing the question and drawing attention of the Government as well as of the Universities to their latches, if any. But if we commit ourselves to this expenditure for good, we will lose that opportunity. Sir, I find that invidious distinction has been made between the Calcutta University and the Dacca University. The Dacca University has 4 colleges under its control, while there are 50 colleges under the control of the Calcutta University. But I find that in the case of the Calcutta University this Council, on the recommendation of Government, has sanctioned a grant of Rs. 3,34,000 this year, while in the case of the

Dacca University, they have sanctioned a grant of Rs. 9 lakhs. I do not grudge for this. What I beg to submit is that both the Universities should be placed on the same footing. In the case of the Calcutta University the actual grant in the year 1923-24 was Rs. 4,17,000 and this year it has been reduced to Rs. 3,31,000. But in the case of the Dacca University the grant of Rs. 9 lakhs per annum has been continued, nothwithstanding the report of the Bengal Retrenchment Committee—a Committee which was appointed by Government and which took into consideration the evidence of the representatives of several public bodies—and it appears from their report that the Dacca University is nothing but a white elephant. This Committee suggested that the expenditure should be reduced from 9 lakhs to 4 lakhs per annum.

Mr. PRESIDENT: I can give you two minutes more. This is the usual time for adjournment.

Babu AMULYA DHONE ADDY: Now, Sir, it would appear from that report that the evidence that they had received and the opinion they had formed was that the Dacca University was not being run on economical lines. A student in the M.A. arts class pays only Rs. 12 per month for lectures, tuition, etc., as well as for hostel accommodation. Therefore the Committee were of opinion that the most salutary course was to moderate the present tendencies and they recommended that from the next financial year the recurring grant should be fixed at Rs. 4 lakhs. But notwithstanding the deliberate opinion of the Retrenchment Committee, we have been called upon to incur a recurring grant of Rs. 5½ lakhs—not for one year but for good. I do not oppose the Bill, and I am personally of opinion that the object is to develop technical and agricultural education, but what I suggest is that we should wait for a month or two till we are favoured with the opinion of public bodies on the subject.

Adjournment.

The Council was then adjourned till 3 P.M., on Friday, the 14th August 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 14th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council and 120 nominated and elected members.

Starred Questions.

(to which oral answers were given).

Muhammadan employees in various Courts at Alipore.

***XXV. Mr. M. DAUD:** (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) names; and

(*ii*) pay

of sheristadars, peshkars, nazirs, clerks, amla, typists and other employees, who are working at present in the Judge's, Sub-Judges, Sadar Munsif's, District Magistrate's and other Magistrates' Courts of the district of the 24-Parganas?

(*b*) How many of them are Muhammadan?

(*c*) Will the Hon'ble the Member be pleased to state the names of the Muhammadan employees, with their designation and pay?

(*d*) Are the Government considering the desirability of filling one-third posts by appointing in future vacancies Muhammadan condidates in the new posts and also Muhammadan apprentices?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) to (*c*) The labour involved in compiling the answers would be incommensurate with their utility and Government do not feel justified in furnishing them.

(*d*) Government are committed to the policy of appointing qualified Muhammadan candidates in every third vacancy.

Appointment of Muhammadans in the Jessore Collectorate.

***XXVI. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue be pleased to lay on the table a statement showing—

(*i*) the number of new probationers and others appointed by the present District Magistrate and Collector of Jessore since the assumption of his office; and

(*ii*) the number of Muhammadans appointed to these posts in the Jessore Collectorate?

(*b*) Is it a fact that the said District Magistrate appointed some Hindu candidates, who are not Matriculates, in preference to the Muhammadan candidates who passed the Matriculation Examination?

(*c*) Will the Hon'ble the Member be pleased to state whether, in this matter, the District Magistrate observed the existing standing circular regarding the appointment of Muhammadans in the ministerial services and whether the local Muhammadan Association was consulted before the appointments were made?

(*d*) If the answer to (*c*) is in the negative, are the Government considering the desirability of issuing instructions for the observance of the rule in future?

MEMBER in charge of DEPARTMENT OF REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) (*i*) No new probationer has been appointed by the present Magistrate and Collector.

Eight clerks have been appointed temporarily in seven permanent and one temporary vacancies in the District Office and forty-one temporary clerks have been appointed in the Cess Revaluation Office.

(*ii*) Three of the eight clerks and twelve of the forty-one clerks in the Cess Revaluation Office are Muhammadans.

(*b*) Of the five Hindu clerks appointed temporarily to the District Office, two have not passed the Matriculation Examination. The qualifications of the temporary clerks appointed to the Cess Revaluation Office have not been reported, but in making such appointments it is not necessary to appoint persons who have passed the Matriculation Examination, and preference is given to clerks with useful experience.

(*c*) All the appointments were temporary and the circular regarding the appointment of a due proportion of Muhammadans has been substantially complied with. As Muhammadan candidates were available, it was not necessary to consult the local Muhammadan Association.

(*d*) Government do not consider that it is necessary to issue further instructions.

Criminal charges against officers of Bengal Police Force.

***XXVII. Dr. KUMUD SANKAR RAY:** Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) how many officers are employed at present in the Bengal Police Force, excluding the Calcutta Police Force;

(*ii*) how many charges of a criminal nature were brought against such police officers during the course of the last two years;

(*iii*) how many cases were brought before a court of law;

(*iv*) how many cases ended in acquittal;

(*v*) in how many cases was departmental action taken and the nature thereof; and

(*vi*) what are the names of the officers against whom departmental action was taken?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*i*) to (*v*) The member is referred to paragraph 12 and to statement D in the Bengal Police Reports for the years 1923 and 1924, an advance copy of the report for 1924 being laid on the Library table.

(*vi*) Government do not consider it desirable to give the names.

Mr. S. N. HALDAR: With regard to the answer to (*vi*), the Hon'ble Member says "Government do not consider it desirable to give the names". May I ask the reasons why?

Mr. PRESIDENT: It is no use asking such questions. Order, order.

Mr. J. M. SEN GUPTA: May I ask a supplementary question? Will the Hon'ble the Member be pleased to give reasons why he is not prepared to disclose the names?

The Hon'ble Sir HUGH STEPHENSON: The reasons are obvious.

Mr. A. C. BANERJEE: I want to ask a question. These reasons are not obvious to me; I am a member of the House and I should like to know the reasons.

Mr. PRESIDENT: Order, order.

Mr. J. M. SEN GUPTA: On a point of order, Sir, if a question is put, are we not entitled to obtain an answer from the member to whom the question is put?

Mr. PRESIDENT: Mr. Sen Gupta; you are the Leader of the opposition and I appeal to you always to assist me in the discharge of my duties in this House. You can surely understand that these are irrelevant questions and are not to be allowed. If I am mistaken, and you can point out my mistake, I shall be glad to correct it.

Mr. A. C. BANERJEE: On a point of order, Sir, I put a question to the Hon'ble Member and he has not given me an answer.

Mr. PRESIDENT: Order, order, there can be no point of order on the matter of questions. When I say "order, order", it is finished.

Détenu Sachindra Nath Sanyal.

***XXVIII. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether Srijut Sachindra Nath Sanyal, who was arrested on the 25th February last under the Bengal Ordinance and detained in jail, and who is now being prosecuted in Bankura under section 124A, I.P.C., has been released from detention under the Ordinance? If not, why not?

(*b*) If he has been released from the order under the Bengal Ordinance, has that fact been communicated to him? If so, when?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) No; he is still under restraint under the Bengal Criminal Law Amendment Act, 1925. For the answer to his second query, the member is referred to section 11 of that Act.

(*b*) Does not arise.

Inspector-General of Registration.

***XXIX. Mr. S. N. HALDAR:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to name the native district of the present Inspector-General of Registration?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing, year by year, the number of visits paid by him to each district in the province since he has joined his present post?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) Khan Bahadur Aminul Islam, the present Inspector-General of Registration, Bengal, was born in Comilla, but has been domiciled in Calcutta for over 45 years.

(*b*) The statement called for is laid on the table.

Statement referred to in the reply to clause (b) of starred question No. XXIX.

1919.

[*N.B.*—It is not clear from the question whether visits to headquarters or to mufassal offices are meant. However, figures for both are given]—

DISTRICT HEADQUARTERS VISITED ONCE

(1) Barisal, (2) Bankura, (3) Birbhum, (4) Bogra, (5) Burdwan, (6) Calcutta, (7) Chittagong, (8) Dacca, (9) Darjeeling, (10) Dinajpur, (11) Faridpur, (12) Hooghly, (13) Howrah, (14) Jalpaiguri, (15) Jessore, (16) Khulna, (17) Malda, (18) Midnapore, (19) Murshidabad (Berhampore), (20) Mymensingh, (21) Nadia, (22) Noakhali, (23) Pabna, (24) Rajshahi, (25) Rangpur, (26) Tippera (Comilla) and (27) Alipore.

DISTRICT HEADQUARTERS VISITED TWICE.

(1) Chittagong, (2) Midnapore), (3) Comilla.

MUFASSAL OFFICES VISITED.

(1) Fatheyabad, (2) Narayanganj, (3) Kurseong, (4) Bargachia, (5) Brahmanbaria, (6) Behala Joint and (7) Vishnupur.

1920.

DISTRICT HEADQUARTERS VISITED ONCE.

(1) Bankura, (2) Chittagong, (3) Dacca, (4) Dinajpur, (5) Hooghly, (6) Howrah, (7) Jessore, (8) Khulna, (9) Midnapore, (10) Murshidabad, (11) Mymensingh, (12) Nadia, (13) Noakhali, (14) Pabna, (15) Tippera and (16) Alipore.

MUFASSAL OFFICES VISITED.

Gangajalghata, Joydebpur, Narayanganj, Narayanganj Joint, Munshiganj, Rajabari, Sirajdikhan, Rupganj, Goalundo, Madaripur, Madaripur Joint, Palong, Serampore, Ulubaria, Bongaon, Kukrahati, Azimganj, Lalbagh, Nimtita, Jangipur, Gaffargaon, Jamalpur, Kushtia, Chuadanga, Ranaghat, Farashganj, Begumganj, Feni, Deganbhuyan, Lemua, Lakhmipur, Brahmanbaria, Joynagar, Sealdah, Cossipore, Barrackpur, Dum-Dum, Naihati, Barasat, Basirhat, Hasnabad, Diamond Harbour and Mograhat.

1921.

DISTRICT HEADQUARTERS VISITED ONCE.

(1) Rangpur, (2) Midnapore, (3) Faridpur, (4) Birbhum, (5) Rajshahi, (6) Calcutta, (7) Pabna, (8) Darjeeling, (9) Jessore, (10) Barisal, (11) Bogra, (12) Malda, (13) Dacca, (14) Mymensingh, (15) Jalpaiguri, (16) Burdwan, (17) Murshidabad and (18) Dinajpur.

DISTRICT HEADQUARTERS VISITED TWICE.

(1) Darjeeling and (2) Mymensingh.

RURAL OFFICES VISITED.

Keshabpur, Manirampur, Boalmari, Bhanga, Dubrajpur, Labpur, Naihati, Vishnupur, Budge-Budge, Danton, Domar, Cox's Bazar, Alipur Duars (twice), Lalmonirhat, Siliguri, Singair, Sabhar, Tushbhandar, Diamond Harbour, Memari, Tamluk, Mirpur and Contai.

1922.

DISTRICT HEADQUARTERS VISITED ONCE.

(1) Bankura, (2) Faridpur, (3) Hooghly, (4) Nadia, (5) Calcutta, (6) Howrah, (7) 24-Parganas (Alipore), (8) Noakhali, (9) Comilla, (10) Darjeeling, (11) Chittagong, (12) Khulna, (13) Rangpur, (14) Bogra, (15) Dacca, (16) Murshidabad, (17) Midnapore and (18) Rajshahi.

DISTRICT HEADQUARTERS VISITED TWICE.

Alipore (24-Parganas).

RURAL OFFICES VISITED.

Matla, Cox's Bazar, Siliguri, Kurseong, Patuakhali, Lambur Hat, Rangania, Hathazari, Gaibhanda, Rampur Hat, Gopalganj, Raiganj, Kishoreganj, Kandi, Kandi Joint, Asansol and Habra.

1923.

DISTRICT HEADQUARTERS VISITED ONCE.

(1) Burdwan, (2) Pabna, (3) Mymensingh, (4) Jessore, (5) Birbhum (Suri), (6) Malda, (7) Dinajpur, (8) Jalpaiguri, (9) Barisal, (10) Tippera (Comilla), (11) Dacca, (12) Khulna, (13) Darjeeling, (14) Faridpur, (15) Chittagong, (16) Rangpur, (17) Bogra and (18) Noakhali.

DISTRICT HEADQUARTERS VISITED TWICE.

(1) Burdwan, (2) Dinajpur, (3) Barisal and (4) Malda.

RURAL OFFICES VISITED.

Raniganj, Sirajganj, Netrakona, Nalhati, Ranaghat, Chakdah, Alipur Duars, Madaripur First Joint, Madaripur Second Joint, Sibchar, Kushtia, Anandapur, Garbetta, Sirajganj, Siliguri, Brahmanbaria, Narayanganj.

Free primary education.

***XXX. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state the total number of schools in Bengal where Mr. Biss' scheme of free primary education has been introduced?

(*b*) How much money has been spent by Government for this free primary education last year and how much is it estimated will be spent this year?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Eighty-five such schools have been started in 60 unions and municipalities.

(*b*) Rupees 68,434. This will depend on the number of schemes maturing, but we have a budget provision for Rs. 75,000 and are asking for another lakh at present.

Amalgamated Madrassah and High School at Murshidabad.

***XXXI. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether it is one of the conditions of the amalgamation of the Nawab Bahadur's Madrassah and the Nawab Bahadur's High School at Murshidabad, that a Muhammadan should always be appointed as Assistant Head Master in the amalgamated institution?

(*b*) If so, has this condition always been observed since the amalgamation?

(*c*) Will the Hon'ble the Member be pleased to state whether the present Assistant Head Master is a Muhammadan?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble the Member be pleased to state the reason that has led Government to depart from the practice hitherto followed?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) No such condition was proposed or accepted by Government at the time of the amalgamation of the two institutions at Murshidabad.

(*b*) Does not arise. The post has, however, as a matter of fact, been held by a Moslem for many years.

(*c*) The present officiating Assistant Head Master is a non-Moslem.

(*d*) Administrative convenience. Government hope, however, to be in a position to transfer a Moslem Assistant Head Master to the school at the close of the school year.

Railway connection to Nawabganj.

***XXXII. Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble the Member in charge of the Department of Public Works (Railways) be pleased to state whether the question of alignment of the railways to the north of the Ganges has been finally settled?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state which of the projects—

(*1*) Nator-Rampur-Boalia-Godagari, and

(*2*) Ishurdi-Rampur-Boalia-Nachole,

has been sanctioned by the Railway Board?

(*c*) When is the construction of the sanctioned railway likely to be taken up?

(*d*) Is it a fact that the Government of Bengal, in their letter No. 66T.—R., dated the 21st October, 1919, to the Commissioner of the Rajshahi Division, requested him to consider the probability of opening a railway line to Nawabganj, forming a branch to one of the alignments referred to in (*b*)?

(*e*) Are the Government considering the desirability of opening such a branch and of recommending the proposal to the Railway Board?

(*f*) In view of the opinion of the Railway Board, as expressed in their letter No. 104-Op 16, to the Government of Bengal, dated the 10th August, 1920, are the Government considering the desirability of recommending to the Railway Board for a fresh local investigation regarding the traffic which Nawabganj and its neighbouring places do at present and, in the event of a railway connection, are likely to command?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Mr. T. Emerson): (*a*) This Government have no information on the subject.

(*b*) Neither of the projects has been sanctioned by the Railway Board.

(*c*) This Government have no information on the subject.

(*d*) The answer is in the negative.

(*e*) and (*f*) The project cannot be recommended till a guarantee of interest on the capital outlay be forthcoming, and until the alignment to be adopted is decided on.

Deputy Commissioner of Police, North District, Calcutta.

***XXXIII. Mr. M. DAUD:** (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state the name of the present Deputy Commissioner of Police in charge of the North District, Calcutta?

(*b*) Will the Hon'ble the Member be pleased to state the period during which he has been holding charge of the said district?

(*c*) Will the Hon'ble the Member be pleased to state the names of the Deputy Commissioners of Police who have held charge of the South District, Calcutta, during the corresponding period, with the respective periods of the tenure of their office?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) to (*c*) The member is referred to the Bengal Quarterly Civil List, from which this information may be obtained.

Dispensing with the services of Mr. A. R. Malik in the Agricultural Department.

***XXXIV. Khan Bahadur Kazi ZAHIRUL HAQ:** (*a*) Is the Hon'ble the Member in charge of the Department of Agriculture and Industries aware that before the appointment of Mr. A. R. Malik to the department, no Mussalman was ever appointed to the Imperial Service of the Bengal Agricultural Department since its institution and that even now there is no permanent Mussalman officer in the Provincial Service of the Department?

(*b*) Is it not a fact that the appointment of Mr. Malik was partly due to the above facts?

(*c*) Is it a fact that the said Mr. Malik has been served with notice of discharge, with effect from 1st August, 1925?

(*d*) Is it a fact that his discharge will denude the higher service of the department altogether of Mussalmans?

(*e*) Is it a fact that the Government acknowledged the ability and special fitness of Mr. Malik for the work in connection with water-hyacinth operations entrusted to him and that the work done by him was commendable and mentioned in Government *communiqués*.

(*f*) Is it a fact that the work in connection with water-hyacinth is recognised by the Government as very important and requiring immediate measures to check its further spread, and, for this purpose, a more extensive scheme is to be introduced?

(*g*) Have the Government considered that in such a case the services and expert advice of Mr. Malik would be most valuable?

(*h*) If the answer to (*c*), (*d*), (*e*) and (*f*) are in the affirmative, will the Hon'ble the Member be pleased to state the circumstances under which a notice was served on Mr. Malik?

(*i*) Are the Government considering the desirability of utilising the knowledge, special fitness and experience gained for the particular work in question, by retaining his services in the department or any other department to which the hyacinth work may be transferred?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*a*) to (*i*) In 1923, there was a temporary vacancy in the Bengal cadre of the Indian Agricultural Service, owing to the grant of leave to the Deputy Director of Agriculture, Eastern Circle, and Mr. A. R. Malik, a Punjabi Muhammadan, possessing the requisite qualifications, was appointed to officiate in the leave vacancy. Mr. Malik's officiating appointment ceased on the 26th February, 1924, owing to the return from leave of Mr. Smith, Deputy Director of Agriculture, Eastern Circle; and, in the ordinary way, Mr. Malik's services would have been dispensed with by Government, with effect from that date. Meanwhile it had been decided to undertake experiments with Griffiths' spray and Mr. Malik was appointed to the temporary post specially created for the purpose of carrying on the experiments. The experimental work in connection with the effect of chemical sprays on water-hyacinth has now reached a stage when it is no longer necessary to entertain the services of a whole-time officer for the purpose of conducting such experiments. It was accordingly decided to abolish the temporary post to which Mr. Malik was appointed, with effect from the 1st August, 1925. After very careful consideration, Government have decided that Mr. Malik's scientific qualifications cannot be suitably utilised in connection with the work of propaganda and organisation, which is now proposed to be undertaken in connection with the water-hyacinth.

Posting of a constable in front of "Statesman" Office.

***XXXV. Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that an Indian constable always stands at the gate of No. 3, Chowringhee Road, office of the *Statesman*?

(*b*) Will the Hon'ble the Member be pleased to state whether the constable has been ordered by the Government to take his stand there?

(*c*) Will the Hon'ble the Member be pleased to state the reason why a constable is posted there?

(*d*) Who pays for the upkeep of the constable?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) to (*d*) Since the year 1908, the *Statesman* office have had a force of three constables deputed to their premises at No. 3, Chowringhee Road. This force mans one beat in front of their office and is paid for at the usual rates for the supply of police to private individuals. The duties of the constable stationed at this point are to scrutinize passes of persons going out of the office and visit the premises at night and see that everything is in order.

Mr. S. N. HALDAR: Will the Hon'ble the Member be pleased to state whether the constable was deputed on the requisition of the *Statesman* office, and if so, when?

The Hon'ble Sir HUGH STEPHENSON: The requisition was made by the *Statesman* office. I can't give the exact date offhand, but it was in 1908, as stated in my reply.

Postgraduate teaching staff of the Calcutta University.

***XXXVI. Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether it is a fact that the members of the postgraduate teaching staff of the Calcutta University, whose term of appointment had recently expired, were provisionally reappointed only for four months, in consequence of the negotiations which had been going on for a long time between the University and the Government for a recurring grant to the University?

(*b*) Is the Hon'ble the Member aware of a feeling of uncertainty created by reason of the duration of the negotiations?

(*c*) Are the Government considering the desirability of communicating their decision to the University at an early date?

(*d*) Have the Government come to any decision in the above matter?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble the Member be pleased to state their decision in the matter?

(*f*) If the answer to (*d*) is in the negative, will the Hon'ble the Member be pleased to state when it is likely that a decision will be arrived at?

(*g*) Are the Government considering the desirability of fixing a recurring grant by a statutory enactment?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Government understand this to be the case.

(*b*) Government have no information, but in the circumstances some uncertainty must necessarily exist.

(*c*) Yes.

(*d*) No.

(*e*) The question does not arise.

(*f*) No date can be fixed, but it is hoped that Government will be in a position to decide the question very shortly.

(*g*) Yes.

Recommendations of Lee Commission.

***XXXVII. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Appointment Department be pleased to state—

(*i*) whether in view of public opinion the Government consider it desirable not to give effect to the recommendations of the Lee Commission in Bengal; and

(*ii*) which of the recommendations, if any of the Lee Commission have been given effect to in Bengal?

The Hon'ble Sir HUGH STEPHENSON: The decision on the recommendations of the Lee Commission does not rest with this Government. As orders are passed by the Secretary of State, they automatically have effect in Bengal.

Bengali Prisoners under Bengal Regulation of 1818 and Criminal Law Amendment Act of 1925.

***XXXVIII. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the names of all Bengali political prisoners, confined at present in or outside Bengal, having been convicted or detained under Bengal Regulation III or Bengal Ordinance of 1924;

(*ii*) the places where they are confined; and

(*iii*) the reasons for the detention of prisoners, if any, confined outside the Presidency of Bengal?

The Hon'ble Sir HUGH STEPHENSON: (*i*) A statement is laid on the table.

(*ii*) and (*iii*) Government are not prepared to give this information.

Statement referred to in the reply to clause (i) of starred question No. XXXVIII.

LIST OF BENGALI PRISONERS AT PRESENT CONFINED (IN JAILS) UNDER REGULATION III OF 1818 OR THE BENGAL CRIMINAL LAW AMENDMENT ACT, 1925.

Under Regulation III of 1818.

Amrita Lal Sarkar, Rabindra Mohan Sen Gupta, Jadu Gopal Mukharji, Satish Chandra Pakrashi, Monoranjan Gupta, Man Mohan Bhattacharji, Bhupati Mazumdar, Ramesh Chandra Datta Chaudhuri, Upendra Nath Banarji, Amarendra Nath Chatarji, Bhupendra Kumar Datta, Jyotish Chandra Ghosh, Kali Prosad Banarji, Jiban Lal Chatarji, Atindra Mohan Ray Chaudhuri, Arun Chandra Guha, Gopendra Lal Ray, Kiran Chandra Mukharji, Atul Krishna Ghosh, Satish Chandra Chakrabartti, Purna Chandra Das, Bepin Behari Ganguli, and Pratul Chandra Ganguli.

Under the Bengal Criminal Law Amendment Act, 1925.

Panchanan Chakrabartti, Ananta Lal Singh, Prithwis Chandra Basu, Manindra Nath Sen Gupta, Kshetra Mohan Singh, Satish Ranjan Singh, Manindra Chandra Chakrabartti, Amulya Mukharji, Atul Chandra Ray, Amulya Chandra Adhikari, Kalipada Bagchi, Pratul Krishna Bhattacharji, Kshitish Chandra Banarji, Nripendra Nath Mazumdar, Kiran Chandra De, Purnananda Das Gupta, Tarini Bhushan Shome, Jitendra Nath Mukharji, Jogesh Chandra Chatarji, Santosh Kumar Datta, Ambika Charan Khan, Ajit Kumar Maitra, Jitesh Chandra Lahiri, Surendra Mohan Ghosh, Amar Krishna Ghosh, Trailakhya Charan Chakrabartti, Madan Mohan Bhaumik, Hari Kumar Chakrabartti, Satyendra Chandra Mitra, Subhas Chandra Basu, Anil Baran Ray, Suresh Chandra Bharadwaj, Narayan Chandra Banarji, Angshu Prakash Banarji, Anukul Chandra Mukharji, Ranajit Kumar Banarji, Ananda Kishore Mazumdar, Naresh Chandra Datta Chaudhuri, Girindra Nath Banarji, Aswini Kumar Ganguli, Ramendra Nath Das, Ganesh Chandra Ghosh, Premananda Datta, Sachindra Nath Sanyal, Sushil Kumar Banarji, Nagendra Nath Sen, Ramesh Chandra Acharji, Ashutosh Kahili, Kali Sankar Ganguli and Kalipada Ray Chaudhuri.

Unstarred Questions

(answers to which were laid on the table).

Donald Committee Report.

61. Babu BIJOY KRISHNA BOSE: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether Government contemplate publishing the recommendations of the Donald Committee?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

(*c*) Is the Hon'ble the Member aware that the Government *communiqué* on the report of the Donald Committee has created a feeling of disappointment towards the non-official members of the Committee and has given rise to misgivings in other quarters?

(*d*) Are the Government considering the desirability of publishing the recommendations of the Committee to allay all possible misgivings in this respect?

(*e*) Will the Hon'ble the Member be pleased to state how many members of the Donald Committee agreed as regards—

(*i*) the reduction of the salary of the members and cadre of the Bengal Civil Service (Executive); and

(*ii*) a proportional rise in the salary and cadre of the Subordinate Civil Service?

(*f*) Is it still in the contemplation of the Government to reduce the cadre of the Bengal Civil Service (Executive) and to increase proportionately the cadre of the Subordinate Civil Service?

The Hon'ble Sir HUGH STEPHENSON: (*a*), (*b*), (*d*) and (*e*) A copy of the report is laid on the library table.

(*c*) Government have no information regarding the feeling of the non-official members of the Committee in this respect. Some members of the Subordinate Civil Service have expressed disappointment, and a memorial of the Service Association to that effect has been received.

(*f*) The subject is still under the consideration of Government.

District Agricultural Officers.

62. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of District Agricultural Officers whose services were dispensed with on account of retrenchment during the year 1924-25; and

(*ii*) the length of service of each of them?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) whether any District Agricultural Officers have been appointed during the year 1924-25;

(*ii*) if so, how many have been so appointed; and

(*iii*) whether these newly-appointed District Agricultural Officers were men of the department or taken from outside?

(*c*) If any outsiders have been appointed, will the Hon'ble the Member be pleased to state their number and the reasons for their appointment in preference to those whose services were dispensed with on account of retrenchment?

(*d*) Is it a fact that three of the District Agricultural Officers whose services were dispensed with on account of retrenchment have been engaged in the Manipur Farm at Dacca for training?

(*e*) What is the length of service of each of those three officers?

(*f*) Is it a fact that some of them served as District Officer for ten years and officiated as Divisional Superintendent?

(*g*) Will the Hon'ble the Member be pleased to state why the Government consider it necessary for them to be placed for training at this period of their service and after officiating as Divisional Superintendent?

The Hon'ble Sir HUGH STEPHENSON: (*a*), (*i*) and (*ii*) A statement is laid on the table.

(*b*), (*i*) and (*ii*) Eight were appointed, viz., one in a permanent, and seven in officiating vacancies.

(*iii*) All the vacancies were filled by officers of the department, either permanent or temporary.

(*c*) The question does not arise.

(*d*) No.

(*e*) to (*g*) Do not arise.

Statement referred to in the reply to clause (a) of unstarred question No. 62.

Name of officers retrenched.	Total length of Government service on 1st November 1924, the date of discharge.	Total length of permanent service in class I of Subordinate Agricultural Service on 1st November 1924.
	Y. M. D.	Y. M. D.
1. Dinesh Chandra Das ..	6 0 12	3 10 0
2. Nalini Kanta Sen ..	4 11 18	3 8 0
3. Jogendra Chandra De ..	14 1 3	3 8 0
4. Utpal Sarkar	10 1 20	3 7 0
5. Pramatha Nath Chakraborty	15 2 0	3 5 29
6. Nritya Gopal Majumdar ..	11 0 11	3 4 24
7. Sisir Kumar Das Gupta ..	5 10 0	2 7 0

Comilla Hospital.

63. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact—

(*i*) that the Comilla Hospital has been condemned several times by the highest authorities, both on account of its situation and equipment;

(*ii*) that the improvement of the hospital has long been promised by the Government and that a scheme for construction of a new hospital was invited;

(*iii*) that a scheme estimated to cost Rs. 1,50,000 has been submitted by the Civil Surgeon of Tippera, on behalf of the Dispensary Committee; and

(*iv*) that subscriptions above Rs. 50,000 have already been promised by the public, who are ready to bear half the cost if the other half is borne by the Government?

(*b*) Is it in the contemplation of the Government to take advantage of the public support and to give immediate effect to the scheme?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) (*i*) Yes.

(*ii*) No definite promise has been made. An expectation of a grant from Government was held out by His Excellency the Governor in July, 1923, provided substantial local contributions were assured and definite financial proposals made by the Commissioner. A scheme for the construction of a new hospital was invited.

(*iii*) The scheme, estimated to cost Rs. 1,47,399, has been submitted.

(*iv*) Yes.

(*b*) The scheme has been examined. Further information has been called for, particularly on the point as to how the increased cost of the new hospital would be met.

Proposed Leper Colony at Midnapore and extension of curative treatment.

64. Mr. F. E. JAMES: Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) what steps are being taken with reference to the building of a settlement for lepers at Midnapore for which a site was presented to Government in 1921; and

(*ii*) what steps the Government are proposing to take in order to make available for the large number of lepers, who live in villages, the latest curative treatment?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*i*) A scheme for a leper colony at Midnapore was worked out in considerable detail, and borings for water were undertaken on the site presented to Government for the purpose of a colony. A scheme, of which the capital cost was estimated at Rs. 1,90,000, was administratively approved, but financial difficulties have prevented its prosecution. The boring which has been made has unfortunately been a failure, and further steps must be taken to obtain an adequate water-supply if the scheme is to proceed on this site. Government, however, are at present unable to provide funds for the leper colony.

(*ii*) Excellent work is at present being done at the School of Tropical Medicine to make the latest methods of treating leprosy available to lepers who live in Calcutta or can come to the city for treatment. There is much to be said in favour of establishing small leprosy clinics for out-patient treatment in rural areas. The staff of the Mission Leper Asylums at Raniganj and Bankura have been trained in the latest curative methods by Dr. Muir, at Gobra, and these asylums have recently been equipped at Government expense with modern appliances for the diagnosis and treatment of lepers. Government will invite the attention of local bodies to the desirability of establishing out-patients' leprosy clinics for the treatment of suitable cases, although segregation in colonies seems the proper method of dealing with highly infective patients who cannot afford home treatment involving elaborate precautions to protect other members of the family.

Mr. F. E. JAMES: Arising out of the answer to question 64, may I ask if the Government are seriously considering, now that finances are improved, the early inclusion in the annual estimates of a sum of money necessary for the establishment of a Leper Colony?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The matter is under the consideration of Government.

Bengal Cruelty to Animals Act, 1920.

65. Mr. C. MORGAN: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state why the Bengal Cruelty to Animals Act, 1920, has not been brought into operation?

(*b*) Will the Hon'ble the Member be pleased to state whether Government contemplate publishing a notification bringing the Act into operation in the near future?

(*c*) If the reply to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reasons?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*c*) The reasons which have so far precluded Government from bringing the Act into operation are contained in the speech I delivered at the meeting of the Legislative Council on the 20th August, 1923, on the motion of Major Hasan Suhrawardy for taking into consideration the Cruelty to Animals (Amendment) Bill. As I then explained, Government had been in correspondence with the Calcutta Corporation, before the Act was passed, about the details of a City Veterinary Department, which the Corporation contemplated establishing. This proposal was in line with the recommendations of a committee appointed to consider improvements in the measures for the prevention of cruelty to animals. At the time when the Act was passed, however, the Calcutta Corporation's proposals for a City Veterinary Department had not taken effect. Government had therefore before them the alternatives of creating the veterinary staff necessary for the proper working of the new Act, if brought into force, or awaiting the establishment by the Calcutta Corporation of their Veterinary Department. The latter alternative was adopted, in accordance with the original intention that the Act should ordinarily be administered by local authorities; and details of the staff deemed necessary were put before the Corporation, with the enquiry whether they would administer the Act, in September, 1921. In the following February, Government were informed by the Corporation that it had always been the intention that the City Veterinary Department should administer the Act, but that before coming to a final conclusion they preferred to await the opinion of the Chief Veterinary Officer, who was about to be appointed. In October, 1923, the Corporation intimated to Government that "the appointment of a Chief Veterinary Officer has been deferred for the present" and again, in May, 1924, they stated that "no decision has yet been arrived at". There the matter rests at present. If the Corporation definitely decide not to constitute this City Veterinary Department and take charge of the Act, Government will revise their scheme and put it before the Council.

Babu AMULYA DHONE ADDY: May I ask as to when the Bengal Cruelty to Animals Act, 1920, is likely to be given effect to? I want a definite answer.

The Hon'ble Sir HUGH STEPHENSON: I have nothing to add to my answer.

Abolition of Kalia thana.

66. Maulvi ABDUL QUADER: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that the Kalia police-station, in the Jessore district, has been abolished?

(*b*) If so, will the Hon'ble the Member be pleased to state the reasons for such abolition?

(*c*) Is it a fact that the people of Kalia made several representations to the Government against such abolition?

(*d*) Will the Hon'ble the Member be pleased to lay on the table a copy of the reply given to the memorialists?

(*e*) Is it a fact that Naraganti police-station, with which Kalia police-station has been amalgamated, is situated in one corner of the jurisdiction?

(*f*) Are the Government considering the desirability of reconsidering their decision?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes.

(*b*) The abolition of this thana formed part of the proposals for retrenchment in the Jessore district accepted by Government.

(*c*) Yes.

(*d*) No reply was sent, as it was decided to adhere to this retrenchment.

(*e*) That is the case at present, but it is hoped to find a more central situation for the thana when funds permit.

(*f*) Government have no intention of reconsidering that matter at present, but the results of this retrenchment will be watched in common with those of other retrenchments.

Access to third and inter class passengers on the Eastern Bengal Railway platforms.

67. Mr. K. C. RAY CHAUDHURI: (*a*) Is the Hon'ble the Member in charge of the Department of Public Works (Railways) aware of the hardship caused to the third and inter class passengers on the Eastern Bengal Railway, especially to *bradralog* female passengers, by the issue of circular No. 1, dated the 9th August, 1924, viz.: "Third and inter class passengers must be kept in the passenger hall and not allowed to enter the platform until the gate is opened by the ticket clerk or any other clerk on duty, *that is*, 10 minutes before the arrival of the trains"?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of moving the proper authorities for the withdrawal and modification of the circular?

(*c*) If the answer to (*a*) is in the negative, are the Government considering the desirability of enquiring into the matter?

(*d*) Is it a fact that section 115 of the Regulations of the Eastern Bengal Railway Time Table lays down that the "Luggage offices are closed 10 minutes before the starting time of a train, and passengers

who have luggage to book, should, therefore, be at the station with their luggage at least 15 minutes before the starting time of the train they wish their luggage to go by"?

(*e*) How is this consistent with the above rule?

The Hon'ble Mr. T. EMERSON: (*a*) to (*c*) The circular apparently refers to a local order issued at a particular station, Shamnagar, owing to passengers loitering on the platform, trespassing on the line, with resulting accidents, and travelling without tickets. Arrangements were, however, made to allow access to females to the female waiting-room.

(*d*) and (*e*) This has no connection with the general rule section 115 of the Eastern Bengal Railway Time Table as the general practice is for luggage to be booked in the passenger hall and not on the platform.

Alleged extension of service to Khan Bahadur Aminul Islam.

68. **Mr. S. N. HALDAR:** Will the Hon'ble the Member in charge of the Department of Education be pleased to state

(*i*) whether the appointment held by Khan Bahadur Aminul Islam is a gazetted one;

(*ii*) the age when a gazetted officer must, under the rules, retire;

(*iii*) the reasons which would entitle such an officer under the rules to obtain an extension of service;

(*iv*) the reasons for which the Government grant him the extension; and

(*v*) which of those reasons apply in the case of Khan Bahadur Aminul Islam?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) The reply is in the affirmative.

(*ii*) to (*iv*) Ordinarily a gazetted officer is required to retire on attaining the age of 55 years; but he may be retained in service after that age with the sanction of the local Government, on public grounds.

(*v*) The question of granting an extension of service to Khan Bahadur Aminul Islam has not yet arisen. He will be 55 years of age in January, 1929.

Proceedings and findings of Water-Hyacinth Committee.

69. **Maulvi EKRAMUL HUQ:** (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether the proceedings and findings of the Committee appointed to consider the problem of eradication of water-hyacinth in Bengal were published?

(*b*) If not, are the Government considering the desirability of publishing them?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) The proceedings and findings of the Water-Hyacinth Committee, appointed in June, 1921, and presided over by Sir J. C. Bose, were duly published in January, 1923.

Income towards primary education.

70. Mr. F. E. JAMES: Will the Hon'ble the Member in charge of the Department of Education be pleased to state—

(*i*) the amount of contributions received annually from local authorities (municipalities and district boards) towards primary education, from 1920-25 inclusive:

(*ii*) the income derived from (*a*) fees, and (*b*) endowments, in all primary schools (Government, municipal and private) annually, during the same period: and

(*iii*) the total grants paid by the Government annually towards primary education in the same period?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) to (*iii*) A statement is placed on the table.

Statement referred to in the reply to unstarred question No. 70.

Year	I.	II.		III.
	Annual contribution from District Boards and Municipalities towards primary schools	Income of primary schools derived from		Government grants to primary schools.
		(a) Fees.	(b) Endowments and other sources	
1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
1920-21 ..	9,24,538	18,52,115	5,31,155	17,72,066
1921-22 ..	8,94,143	19,70,780	5,39,007	19,16,113
1922-23 ..	9,54,579	18,72,969	5,97,741	19,52,659
1923-24 ..	9,97,921	20,44,960	6,26,768	19,53,688
1924-25 ..	10,39,774	21,81,822	7,08,835	19,59,533

Attack on the founder of Islam by a book named "Satya Dharma Nirupan."

71. Maulvi AFTAB HOSSAIN JOARDAR: (*a*) Is the Hon'ble the Member in charge of the Political Department aware—

(*i*) that some Roman Catholic priests have published a book in Bengali, "Satya Dharma Nirupan" by name; and

(*ii*) that on pages 132 and 133 of the book, the great founder of the Muhammadan religion has been criticized and characterized as a notorious and demoralized man, and the great religion of Islam has been characterized as a religion of pigs?

(*b*) Will the Hon'ble the Member be pleased to state

(*i*) whether that book has been proscribed; and

(*ii*) if not, whether any other steps have been taken in the matter?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reasons?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*c*) The member is referred to the *communique* on this subject, which was issued to the press on the 16th March, 1925. A copy is laid on the table.

Communiqué dated the 16th March, 1925, referred to in the reply to unstarred question No. 71.

The attention of Government has been drawn to an article which appeared in the *Mussalman* of the 17th February, 1925, entitled, "Malicious attack on the Holy Prophet." The article quotes passages from a book called "Satya Dharma Nirupan," which criticize the character of the Prophet and attacks the Muhammadan religion. Government experienced difficulty in securing a copy of the book and were surprised to learn, on enquiry from the editors of the *Mussulman* and of the *Moslem Darpan*, which paper had also referred to the attack on the Prophet, that neither of them had seen the book. On securing a copy of the book, Government have learnt that it was published in 1899. Government have also been informed that it has been out of print for 15 years. The articles in the *Mussalman* and *Moslem Darpan* have been followed by articles in other newspapers, and public meetings of protest have been held in certain districts. At one of these meetings money was collected for prosecuting the publisher, who, as a matter of fact, died 23 years ago. It is true that this book contains attacks on the Prophet, which must be very distressing to the Muhammadan community, and which are very improper. Government are

unable to understand what public purpose is served by reproducing such remarks from a book published 26 years ago, and they are surprised that the editors of two Muhammadan newspapers should so lightly have given publicity to such writing and thereby have caused distress to hundreds of their co-religionists. These passages in the book would certainly not have come to the notice of the public but for their reproduction in two Muhammadan newspapers.

Inspector Madan Mohan Chakravarty.

72. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that Babu Madan Mohan Chakravarty stands about 52 in the gradation list of Sub-Inspectors?

(*b*) Is it a fact that Rai Bahadur Purna Chandra Lahiri recommended his promotion to the rank of Inspector in supersession of the claims of about 50 persons senior to him?

(*c*) Is it a fact that since about a year Babu Madan Mohan Chakravarty has been continuing as an Inspector?

(*d*) Is it a fact that Babu Madan Mohan Chakravarty was given a reward of Rs. 100 by Rai Bahadur Purna Chandra Lahiri for writing out the history-sheets of some criminals?

(*e*) Will the Hon'ble the Member be pleased to state whether it is usual to grant rewards for such works?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble the Member be pleased to state whether there is any precedent?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*f*) Government do not consider it to be in the public interest to disclose what recommendations for promotion are made by departmental officers to their superiors. Nor do Government consider it to be in the public interest to disclose the grounds on which rewards are made to particular police officers.

Alleged cocaine traffic in Calcutta.

73. Maulvi NAJMUDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Police Department aware of the judgment of Mr. Keays, as delivered in the case of Emperor *versus* Dinnath Saha?

(*b*) If so, have the Government taken any steps to ascertain the names of the wholesale cocaine dealers, whose names, according to the judgment of Mr. Keays, are frequently mentioned in his court?

(*b*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state what steps, if any, have the Government taken or are proposing to take against them?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble the Member be pleased to state the reason?

(*e*) Will the Hon'ble the Member be pleased to state whether the Government were previously aware of the existence of any cocaine- and gambling-dens?

(*f*) Is the Hon'ble the Member aware of the statement made by constable Wali Muhammad regarding the receipt of regular payments of money by various police officers from the cocaine- and gambling-dens of Bagmari?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble the Member be pleased to state who were the officers involved and what action have the Government taken against them?

(*h*) Is it a fact that for the last eight years Rai Bahadur Purna Chandra Lahiri is in charge of the Northern Division of Calcutta, where these gamblings- and cocaine-dens exist?

(*i*) Is it a fact that under the rules Deputy Commissioners should not be in charge of a division for more than five years?

(*j*) Is it a fact that in 1924, during the absence of Rai Purna Chandra Lahiri Bahadur, his temporary successor, Mr. B. N. Banerjee, succeeded in putting an end to the cocaine traffic in Calcutta?

(*k*) Is it a fact that in 1920 an enquiry was instituted by Mr. Roddis, the officiating Commissioner of Police, regarding the complicity of certain police officers in the sale of cocaine and keeping of gambling-dens in Calcutta?

(*l*) Is it a fact that a great deal of valuable information was collected during the enquiry by Messrs. Wilson, Shaw and Bhupen Banerjee, and that some very compromising facts against certain high officials were brought to light by the examination of account books of some merchants at Burra Bazar?

(*m*) If so, what has become of that report?

(*n*) Will the Hon'ble the Member be pleased to lay on the table a copy of the result of the enquiries made and also the action, if any, taken by the Government on the report?

(*o*) Will the Hon'ble the Member be pleased to state who were the officers involved and whether the banking accounts of those officials were examined in this connection?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*o*) Government have seen a copy of the judgment referred to. Mr. Keays, who is now on leave, has been asked to furnish particulars with reference to the

remarks contained in his judgment. On receipt of particulars, Government will consider what action should be taken. For the present Government are not prepared to make any statement about these accusations.

Case against Inspector Madan Mohan Chakravarty.

74. Maulvi NAJMUDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that Inspector Madan Mohan Chakravarty was sent up for trial on charges of forgery, perjury and tampering with public documents, by Mr. Keays, the Additional Chief Presidency Magistrate, in connection with a cocaine case?

(*b*) Is it a fact that the Public Prosecutor had instructions on behalf of the Crown not to press the charge, but to ask for the dismissal of the case?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble the Member be pleased to state the reason therefor?

(*d*) Is it a fact that subsequent to the dismissal of the case the Government called for the records of the case and that Rai Bahadur Purna Chandra Lahiri submitted a note to the Government supporting the conduct of the accused, Madan Mohan Chakravarty?

(*e*) Will the Hon'ble the Member be pleased to lay on the table a copy of the judgment of Mr. Keays and of the Chief Presidency Magistrate, together with the report of Rai Purna Chandra Lahiri Bahadur?

(*f*) Will the Hon'ble the Member be pleased to state the result of the enquiry, if any, made by the Government in the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*f*) Government have appointed a Commission to enquire into this case and are not at present prepared to make any statement about it.

Appointment of Muhammadans in the Hooghly, Howrah and Midnapore Collectorates and in the office of the Commissioner, Burdwan Division.

75. Maulvi ZANNOOR AHMED: Will the Hon'ble the Member in charge of the Department of Revenue be pleased to lay on the table a statement showing—

(*i*) how many posts are there in the offices under the Collectors of the Hooghly, Howrah and Midnapore districts and in the office of the Commissioner of the Burdwan Division;

(*ii*) how many of these posts are held at present by Muhammadans;

(*iii*) how many appointments were made in the years 1923 to 1925; and

(*iv*) how many were given to Muhammadans?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*i*) 116, 73, 198 and 33, respectively.

(*ii*) 21, 12, 17 and 4, respectively.

(*iii*) 23, 7, 16 and 2, respectively.

(*iv*) 4, 4, 1 and nil, respectively, excluding menials in each case.

Alleged cocaine traffic in Calcutta.

76. Babu SARAT CHANDRA BASU: (*a*) Is the Hon'ble the Member in charge of the Police Department aware of the judgment delivered by Mr. Keays, Additional Chief Presidency Magistrate, in the case of Emperor *versus* Dinnath Saha, as published in the *Mussalman* of the 16th June, 1925?

(*b*) Have the Government taken any steps to ascertain the names of the wholesale cocaine dealers who, according to Mr. Keay's judgment, are known to the police?

(*c*) What steps, if any, have the Government taken against the police officers who have failed in their duty in this respect?

(*d*) Is it a fact that the drug evil has been completely eradicated from Titagarh by the wholesale transfer of the police officers?

(*e*) Is it a fact that the Northern Division of the Calcutta Police has earned a reputation for being the hot-bed of cocaine- and gambling-dens?

(*f*) Are the Government considering the desirability of transferring wholesale the officers of the Northern Division?

(*g*) Is it a fact that in 1920, during the tenure of office of Mr. Roddis, officiating Commissioner of Police, an enquiry was instituted regarding the complicity of certain police officers in the sale of cocaine and keeping open gambling-dens?

(*h*) Will the Government be pleased to lay on the table copies of all the papers on the subject?

(*i*) Who were the police officers involved?

(*j*) Were the banking accounts of those police officers examined?

(*k*) Is it a fact that in connection with this enquiry some very compromising facts about the receipt of payments by police officers were

brought to light by the examination of account books of some Burra Bazar merchants?

(*l*) Are the Government proposing instituting a commission of enquiry into the administration of the Calcutta Police for enquiring into the whole matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*l*) The member is referred to the reply to a question on the subject put at this meeting by Maulvi Najmuddin Ahmed.

Bulli-Bil Scheme.

77. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state—

(*i*) what steps are being taken towards the execution of the Bulli-Bil Scheme; and

(*ii*) whether any provision will be made for it in the next budget?

(*b*) If the answer to (*a*) (*ii*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) (*i*) A detailed project has been forwarded to the Collector, 24-Parganas, to take action under Act VI of 1920.

(*ii*) No.

(*b*) No provision can be made in the budget until the scheme has received the approval of Government after the full procedure under the Act has been followed.

Rai HARENDRANATH CHAUDHURI: With regard to the answer to question (*a*) (*i*), may I know when the detailed project was forwarded to the Collector of the 24-Parganas, and how long it has been pending before him?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: It was sent some time last year, but I cannot say off-hand.

Rai HARENDRANATH CHAUDHURI: In answer to question (*b*), may I know how long the full procedure will take?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: It is very difficult to answer a question of this nature.

Rai HARENDRANATH CHAUDHURI: What steps have yet to be taken?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: All the procedure under the Act has not yet been given effect to. But if the hon'ble member wants further information and will please come to my office, I shall be glad to give it to him.

Dâk Bungalow at Madaripur.

78. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue be pleased to state why no bungalow has been provided at Madaripur?

(*b*) Is the Hon'ble the Member aware that a large number of persons of all classes have to stay at Madaripur for various works?

(*c*) Is the Hon'ble the Member aware that middle-class gentlemen find it difficult to arrange for their boarding and lodging at Madaripur?

(*d*) Are the Government considering the desirability of taking immediate steps for the erection of a dâk bungalow at Madaripur?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Formerly there was a District Board dâk bungalow, but it disappeared into the river.

(*b*) and (*c*) It is reported that a considerable number of persons go to Madaripur for business of various kinds and some find it difficult to obtain a lodging.

(*d*) The construction of a dâk bungalow is a matter for the District Board.

Honorary Magistrate Babu Chandra Bilash Mukerjee, of Gopalganj.

79. Dr. MOHINI MOHAN DAS: With reference to the reply given on the 18th February, 1925, to unstarred question No. 9, will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) why Babu Chandra Bilash Mukerjee, Honorary Magistrate of Gopalganj, was given more cases for disposal in preference to other Honorary Magistrates of the same place;

(*ii*) the reason of his getting a larger amount of travelling allowance and halting allowance in the year 1923 than the other Magistrates of the same place during the same period; and

(*iii*) the reason why he has been given Rs. 141-8 up to March, 1924, whereas other Honorary Magistrates have got nothing during that period?

The Hon'ble Sir ABD-UR-RAHIM: (i) Babu Chandra Bilash Mukerjee is the only Honorary Magistrate with second class and single sitting powers. He can therefore try more cases and dispose of them more speedily than the other Honorary Magistrates.

(ii) Because he sat more often than the other Honorary Magistrates and came also from a greater distance than they did.

(iii) Up to March, 1924, Babu Chandra Bilash Mukerjee was the only mufassal Honorary Magistrate who was called upon to attend.

Payment of expenses to jurors.

80. Babu AKHIL CHANDRA DATTA: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that jurors are not paid their travelling and halting expenses, either adequately or promptly?

(b) Are the Government considering the desirability of issuing instructions for prompt payment of adequate expenses to the jurors?

The Hon'ble Sir ABD-UR-RAHIM: (a) Jurors are not paid any travelling allowance, but are paid daily allowance at varying rates, from Re. 1 to Rs. 5 in accordance with the rules published under notification No. 2529 J., dated the 31st March, 1904, a copy of which is laid on the table.

(b) Payment at the above rate is always made as promptly as possible in the circumstances of each case, and Government do not consider it necessary to issue any further instructions in the matter.

Notification No. 2529 J., dated the 31st March 1904, referred to in the reply to unstarred question No. 80.

It is hereby notified, for general information, that the Lieutenant-Governor of Bengal has been pleased to prescribe the following rule for the payment by Government of a daily allowance to jurors and assessors summoned to attend in criminal trials in Bengal:—

"The District Magistrate shall order payment on the part of Government to any jurors summoned to attend his Court, and the Sessions Judge shall order payment on the part of Government to any juror or assessor summoned to attend his Court, of a daily allowance, for days of attendance at Court only, of not less than one rupee and not exceeding five rupees, in the case of any juror or assessor who may apply orally or in writing for such allowance, and provided that the distance between the usual residence of the juror or assessor and the Court-house which he attends exceeds five miles".

(Sd.) W. C. MACPHERSON,

Offg. Chief Secretary to the Government of Bengal.

Sanskrit College Committee.

81. Babu AKHIL CHANDRA DATTA: (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to state whether, on the Committee known as the Sanskrit College Committee formed for the improvement of the education imparted by the Sanskrit Association and the *tols*, there is any member who is elected by the Sanskrit Association and who is capable of teaching in the *tols*, having himself been taught in a *tol*?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble the Member be pleased to state what is the reason for the absence of such a member?

(*c*) What is the policy which is followed by the Government in electing members to the Sanskrit College Committee from the various divisions of the province?

(*d*) Are the *tol* Pandits consulted in the election of such a member?

(*e*) Will the Hon'ble the Member be pleased to state whether the Government have received any proposal regarding the appointment of the Vice-President of the Sanskrit Association and the Principal of the Oriental or *Tol* Department of the Sanskrit College from among the Brahmin Pandits?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble the Member be pleased to state whether the Government have come to any decision in the matter?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The answer is in the negative.

(*b*) The Committee was appointed by the Ministry of Education in 1923, which considered it unnecessary to include a member so qualified.

(*c*) The Ministry of Education in 1923 did not consider divisional representation necessary. The Committee is not a Standing Committee.

(*d*) When the Ministry of Education appointed this Committee, the Pandits were not consulted.

(*e*) The Council of the Sanskrit Association passed a resolution on the 9th December, 1923, to the effect that "the *Tol* Department of the Sanskrit College should have a Brahmin *tol Adhyapak* as its Principal and the Calcutta Sanskrit Association should have a paid Vice-President, who shall be a Brahmin *tol Adhyapak* ". Action on this resolution is awaiting the report of the Sanskrit College Committee, to which it has been referred.

(*f*) The question does not arise in view of the answer to (*e*).

Appointment of Mu[illegible]s in the 24-Parganas Collectorate.

82. Mr. M. DAUD: (*a*) Will the Hon'ble the Member in charge of the Revenue Department be pleased to lay on the table a statement showing the names and pay of sheristadars, peshkars, nazirs, clerks, amla, typists and other employees at present working in the Collectorate of the 24-Parganas district?

(*b*) How many of them are Muhammadans?

(*c*) Will the Hon'ble the Member be pleased to state the names, with designation and pay, of the Muhammadan employees?

(*d*) Are the Government considering the desirability of filling up one-third of the posts by appointment of Muhammadans—

(*i*) in future vacancies,

(*ii*) in new posts, and

(*iii*) as apprentices?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) to (*c*) Government are not prepared to state the names, designation and pay of all ministerial officers in the offices under the Magistrate and Collector of the 24-Parganas. There are 22 Upper Division appointmens, 176 Lower Division appointments and 5 special posts; the number of these appointments held by Muhammadans are 4, 47 and 1, respectively.

(*d*) As already stated in reply to a similar question asked on the 7th January, 1925, the proportion of ministerial appointments to be held by Muhammadans has been fixed at one-third for all posts of the presidency, except the Burdwan Division and Darjeeling, under rule 55 of the Board's Miscellaneous Rules, 1918; the filling of vacancies in the 24-Parganas Collectorate is governed by this rule, which is being followed.

Septic tank effluent discharge into the Hooghly.

83. Babu BORODA PROSAD DEY: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether effluent from septic tanks connected with mills on both sides of the Hooghly river are regularly examined bacteriologically by competent authorities?

(*b*) If so, why are the results of such examination not published for the information of the public?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes.

(*b*) It has not been thought necessary hitherto, but Government are considering the question of publishing the results of the examination in the Gazette.

Allowances and attendance of members of Bengal Legislative Council.

84. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Legislative Department be pleased to lay on the table a statement showing for the period from January to June, 1925—

(*i*) the amount of the travelling expenses drawn by each member of the present Legislative Council; and

(*ii*) the amount of the residential allowances drawn by each member?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the number of days each member attended the Council from the 1st April, 1924, to the 30th June, 1925?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) Two statements are laid on the table.

Statement referred to in the reply to unstarred question No. 84(a), showing the amount of mileage allowance and daily allowance drawn by the members of the Bengal Legislative Council from January to July, 1925.

Name of member.	Mileage allowance drawn by each member.		Daily allowance drawn by each member.
	Rs.	A.	Rs.
Ahamad, Maulvi Asimuddin ..	455	9	240
Ahmed, Maulvi Tayebuddin	150	10	740
Ali, Maulvi Sayyed Sultan	133	8	230
Ali, Mr. Altaf	109	3	790
Bagchi, Babu Romes Chandra ..	306	9	240
Baksh, Maulvi Kader	382	6	250
Banerjee, Babu Satya Kishore ..	224	15	Nil
Barma, Rai Sahib Panchanan ..	232	4	220
Chakravarti, Babu Jogindra Chandra ..	388	5	200
Chakravorty, Babu Sudarsan	400	11	150
Chatterjee, Babu Umes Chandra ..	78	8	80
Chaudhuri, Maulvi Saiyed Abdur Rob ..	241	0	810
Chowdhury, Maulvi Fazlal Karim ..	349	8	150
Corcoran, Mr. B. J.	561	3	130
Das, Dr. Mohini Mohan	404	4	220
Datta, Babu Akhil Chandra	452	10	50
Dey, Babu Boroda Prosad	131	0	Nil
Doss, Rai Bahadur Pyari Lal ..	403	14	150
Faroqui, Khan Bahadur, K.G.M. ..	608	0	270
Gafur, Maulvi Abdul	438	10	270

Name of member.	Mileage allowance drawn by each member.		Daily allowance drawn by each member.
	Rs.	A.	Rs.
Haq, Khan Bahadur Kazi Zahirul ..	407	1	250
Hoque, Maulvi Sayedul	533	8	210
Hossain, Khan Bahadur Maulvi Musharruf	705	15	130
Huq, Maulvi Ekramul	67	6	680
Joardar, Maulvi Aftab Hossain ..	49	0	790
Khan, Maulvi Amanat	376	4	80
Khan, Maulvi Mahi Uddin	365	13	240
Lal Mahammed, Haji	350	11	250
Mahhammad, Maulvi Basar	396	0	230
Maity, Babu Mahendra Nath	65	4	110
Mitra, Babu Jogendra Nath ..	175	0	160
Mukerjea, Babu Taraknath	78	6	Nil
Nandy, Maharaj Kumar Sris Chandra ..	131	4	240
Nazimuddin, Khaje	407	1	190
Neogi, Babu Manmohon	82	11	780
Pahlowan, Maulvi Md. Abdul Jubbar ..	145	14	790
Quader, Maulvi Abdul	32	14	790
Rahman, Mr. A. F.	395	1	70
Ray, Babu Abanish Chandra	94	10	700
Ray, Babu Nagendra Narayan ..	396	0	230
Ray Chaudhuri, Mr. K. C.	198	11	Nil
Roy, Babu Satcowripati	110	13	860
Roy, Raja Maniloll Singh, C.I.E. ..	123	10	170
Roy Choudhuri, Rai Bahadur Satyendra Nath	282	0	100
Salam, Khan Bahadur Maulvi Abdus ..	Nil		790
Sarkar, Babu Hemanta Kumar ..	128	10	240
Sarkar, Maulvi Allah Bukhsh ..	404	1	230
Tarafdar, Maulvi Rajib Uddin ..	378	12	240
Travers, Mr. W. L., C.I.E., O.B.E. ..	487	0	210
Yasin, Maulvi Muhammad	70	11	30

Statement referred to in the reply to unstarred question No. 84(b), showing the attendance of the members of the Bengal Legislative Council at meetings held from April, 1924, to July, 1925.

[NOTE.—The attendance of members who died or resigned during the period has not been shown.]

Name of member.	Number of days.
Abbott, Mr. E. G.	19
Addams-Williams, Mr. C., C.I.E.	21
Addy, Babu Amulya Dhone	17
Ahamad, Maulvi Asimuddin	20

Name of member.	Number of days.
Ahmed, Maulvi Najmuddin	9
Ahmed, Maulvi Tayebuddin	20
Ahmed, Maulvi Zannoor	20
Aley, Khan Bahadur S. Mahboob	20
Ali, Maulvi Sayyed Sultan	18
Ali, Mr. Altaf	20
Bagchi, Babu Romes Chandra	20
Baksh, Maulvi Kader, B.L.	19
Band, Mr. R. N.	15
Banerjea, Dr. Pramathanath	20
Banerjee, Babu Satya Kishore	21
Banerjee, Mr. A. C.	16
Banerjee, Rai Bahadur Abinash Chandra	13
Barma, Rai Sahib Panchanan, M.B.E.	20
Barton, Mr. H.	14
Basu, Babu Jatindra Nath	21
Basu, Babu Sarat Chandra	10
Beg, Khan Bahadur Mirza Shujaat Ali	20
Best, the Hon'ble S. J.	18
Birley, Mr. L., C.I.E.	20
Bose, Babu Bejoy Krishna	20
Browne, Mr. P. H., C.B.E.	9
Campbell, Mr. K.	8
Chakravarti, Babu Jogindra Chandra	17
Chakravarti, Mr. Byomkes	16
Chakravarti, Babu Sudarsan	19
Chatterjee, Babu Umes Chandra	13
Chaudhuri, Maulvi Saiyed Abdur Rob	21
Chaudhuri, Rai Harendranath	18
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali Khan Bahadur, C.I.E.	18
Chaudhuri, Maulvi Md. Nurul Huq	19
Chowdhury, Maulvi Fazlal Karim	12
Chunder, Mr. Nirmal Chandra	16
Cohen, Mr. D. J.	21
Corcoran, Mr. B J.	16
Das, Babu Charu Chandra	18
Das, Dr. Mohini Mohan	19
Das Gupta, Mr. J. M.	19
Datta, Babu Akhil Chandra	14
Daud, Mr. M.	16
De, Mr. K. C., C. I.E.	16
Dey, Babu Boroda Prosad	20
Dey, Mr. G. G.	21
Does, Rai Bahadur Pyari Lall, M.B.E.	16

Name of member.	Number of days.
Dutt, Mr. G. S.	21
Eddis, Mr. B. E. G.	16
Faroqui, Khan Bahadur, K.G.M.	21
Forrester, Mr. J. Campbell	5
Gafur, Maulvi Abdul, B.L.	21
Ganguly, Babu Khagendra Nath	17
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan	5
Goenka, Rai Bahadur Badridas	18
Goode, Mr. S. W.	21
Guha, Mr. P. N.	21
Haldar, Mr. S. N.	20
Haq, Khan Bahadur Kazi Zahirul	20
Haq, Shah Syed Emdadul	20
Hopkyns, Mr. W. S., O.B.E.	17
Hoque, Maulvi Sayedul	18
Hossain, Khan Bahadur Maulvi Musharruf	18
Hossain, Maulvi Wahed	19
Huq, Maulvi A. K. Fazl-ul	20
Huq, Maulvi Ekramul	20
James, Mr. F. E., O.B.E.	20
Jennaway, Mr. J. H.	7
Joardar, Maulvi Aftab Hossain	21
Khaitan, Babu Debi Prosad	14
Khan, Babu Debendra Lal	19
Khan, Maulvi Abdur Raschid	17
Khan, Maulvi Amanat, B.A.	11
Khan, Maulvi Mahi Uddin	20
Lal Mahammed, Haji	21
Law, Raja Reshee Case, C.I.E.	15
Liddell, Mr. H. C.	21
Mahammad, Maulvi Basar	19
Maity, Babu Mahendra Nath	15
Masih, Mr. Syed M.	18
Mitra, Babu Jogendra Nath	19
Mitra, Babu Satyendra Chandra	4
Mitter, Sir Provash Chundra, KT., C.I.E.	21
Moreno, Dr. H. W. B.	20
Morgan, Mr. G.	13
Mukerjea, Babu Taraknath	20
Mukerji, Mr. S. C.	17
Nandy, Maharaj Kumar Sris Chandra	19
Nasker, Babu Hem Chandra	20
Nazimuddin, Khaje, M.A. (Cantab.), Bar.-at-Law	16
Neogi, Babu Manmohon	19
Oaten, Mr. E. F.	21

Name of member.	Number of days.
Pahlowan, Maulvi Md. Abdul Jabbar	21
Parrott, Mr. P.	8
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Dispensing with the services of Mr. A. R. Malik in Bengal Agricultural Department.

85. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state under what circumstances Mr. A. R. Malik was brought to serve in the Bengal Agricultural Department?

(*b*) Is it a fact that the appointment of Mr. Malik was partly due to the fact that no Mussalman was ever appointed to the Imperial Service of the Bengal Agricultural Department before his appointment?

(*c*) Is it a fact that the Government, through a *communiqué* issued in September, 1924, acknowledged the special fitness of Mr. A. R. Malik for water-hyacinth work?

(*d*) Is it a fact that Mr. Malik's experiments on water-hyacinth have been successful and that District Magistrates have been addressed by the Government regarding further operations in this connection?

(*e*) Is it a fact that the Government propose to continue the work on water-hyacinth in Bengal and to extend its activities in that direction?

(*f*) Is it a fact that it has been acknowledged by Government that Mr. Malik has successfully carried out the experiments entrusted to him and that he has the technical knowledge of the problem and experience of the practical work required in this line?

(*g*) Why has he been served with a notice of discharge as from August 1st, 1925?

(*h*) Is it a fact that an I.C.S. officer is to be placed at the head of this work?

(*i*) If so, what is the reason for not utilizing the technical skill and past experience of Mr. Malik for the same work?

The Hon'ble Sir HUGH STEPHENSON: (*a*) to (*i*) The member is referred to the answer to a starred question on the subject put at this meeting by Khan Bahadur Kazi Zahirul Haq.

Bhairab Scheme.

86. Babu JOGENDRA NATH MITRA: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether the scheme for the reclamation of the river Bhairab, in the district of Jessore, which was under preparation, is completed?

(*b*) If not, when is it expected to be completed?

(c) How do the Government propose to meet the cost of carrying it into operation?

(d) Are the Government considering the desirability of making any provision in the budget estimate of the next year for carrying out the scheme?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) Yes.

(b) Does not arise.

(c) Under Act VI of 1920.

(d) No. The question of providing funds in the loans budget will not arise until the procedure under the Act has been completed and the project is submitted to Government by the Commissioner.

Union Benches and Courts in Hooghly.

87. Babu TARAKNATH MUKERJEA: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state what further steps have been taken to establish Union Benches and Courts in the district of Hooghly?

(b) Are the Government contemplating the establishment of Benches and Courts in some of the selected Unions in the said district?

The Hon'ble Sir ABD-UR-RAHIM: (a) Proposals for eight Union Benches and Courts in some selected Union Boards in the district have been submitted by the District Magistrate of Hooghly and are under consideration.

(b) The proposals are under consideration.

Confidential Section of the Bengal Government Press.

88. Babu HEMANTA KUMAR SARKAR: (a) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state whether it is a fact that the members of the piece-work establishment of the Press submitted a petition on the 6th June, 1923, stating their grievances, to the Press authorities?

(b) If so, what action has been taken on it?

(c) Is it a fact that no Hindus or Muhammadans are taken in the Confidential Section of the Bengal Government Press?

(d) Will the Hon'ble the Member be pleased to state by men of what nationality the Confidential Section is manned?

(*e*) Is it a fact that formerly Hindus and Muhammadans used to be appointed in the Confidential Section?

(*f*) If so, what is the reason for discontinuing that practice?

(*g*) Is it a fact that posts of lino and mono operators are not given to Hindus and Muhammadans?

(*h*) If the answer to (*g*) is in the affirmative, to whom are the above posts given?

(*i*) What are the reasons for not giving the posts to Hindus and Muhammadans?

(*j*) Is it also a fact that even applications from Hindus and Muhammadans for the aforesaid posts are not entertained?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. T. Emerson): (*a*) Yes.

(*b*) The petition was considered; it was decided that no action was necessary.

(*c*) No.

(*d*) Anglo-Indians and Indians.

(*e*) Yes.

(*f*) The practice has not been discontinued.

(*g*) and (*h*) It is presumed that the member's question relates to the Confidential Section of the Press only; there are no monos in the Confidential Section; all the lino operators in the Confidential Section are at present Anglo-Indians.

(*i*) and (*j*) The member is referred to the answer given by the Hon'ble Member in charge, Finance Department, to the unstarred question No. 20 (*d*) asked by Babu Hem Chandra Bhattacharji at the meeting of 29th August, 1921.

Government Bills.

The Dacca University (Amendment) Bill, 1925.

The discussion on the Dacca University (Amendment) Bill, 1925, was then resumed.

Maulvi A. K. FAZL-UL HUQ: I wish to say a few words, Sir, and draw the attention of the Council to a point which I am afraid has been missed by some of the previous speakers. Under the provisions of the Government of India Act, the demands for grants are made by Government for carrying on the work of the administration, and also for schemes, let us say for example the furtherance of the cause of educa-

tion. The demand for grants in order to keep the Dacca University going has got to be made by Government. Let us remember, in those circumstances can a private member make any demand for a grant? Consider for a moment a possibility of there being a Minister unsympathetic towards the Dacca University. The two points to be considered are whether a certain amount should be provided for by statute for the upkeep of the Dacca University, and secondly what should be the amount necessary. Supposing the minimum is Rs. 5 lakhs or Rs. 4 lakhs, but the unsympathetic Minister to whom I have referred to, takes it into his head to make a demand of Rs. 2 lakhs only, you cannot have the University going on with that amount. This is a possibility and a contingency to be provided for. It is therefore necessary, and if that be necessary in the case of the Calcutta University also, make provision for fixed grants by means of statutory rules. I therefore wholeheartedly support this Bill to make a statutory provision for a grant to the Dacca University.

Babu BEJOY KRISHNA BOSE: I rise to take part in this debate with a certain degree of hesitation. I feel that on account of the extraneous matter that was introduced in the debate yesterday, we ought to make our position quite clear. I can assure the Hon'ble Member as well as my friends on the other side that there is no intention whatever on the part of any member on this side to grudge any money for the development of the Dacca University. What we object to on principle is the way in which it is sought to take out the amount from the votable list in the budget and by statutory enactment to ensure for the Dacca University an amount of Rs. 5½ lakhs. When I was looking at the objects of the Bill, I found that in the Statement of Objects and Reasons it was stated that this Bill was introduced in order that there might be an "assured income"—that is the language in the Statement of Objects and Reasons. I fail to understand what the Hon'ble Member meant by the words "assured income". Was there any occasion during the last 5 years since the Dacca University was started, when any amount that was demanded on account of the Dacca University was objected to, or was it ever rejected by this Council? On the other hand, so far as my knowledge goes during the last 2 years, whatever amount was demanded for the Dacca University the same was at once granted by this House. Therefore, where is the fear that the amount will not be voted by this House if it is demanded hereafter? I would point out to Mr. Fazl-ul Huq, who was afraid of an unsympathetic Minister, that that is not the fault of the House but of the Government if such a Minister came to be appointed. I do not know whether this was also the intention of the Hon'ble Member who introduced this Bill, namely, that he is anxious to see that a statutory enactment is made in order to assure an income to the Dacca University, so that hereafter an unsympathetic Minister may not demand a smaller amount for the Dacca University. I do not think that is an apprehension which is well founded.

Secondly, I do not think that the Dacca University is in such a helpless condition as was described by the Hon'ble Member in charge of the Bill. I do not think I am wrong in saying that up to 1925 the Dacca University received a capital grant of 19½ lakhs; of this over 12 lakhs of rupees is still in deposit, and the Dacca University gets in the shape of interest Rs. 55,000 from this amount in deposit, which is over and above the fee fund and other investments which come to over a lakh of rupees. Therefore it is not at all in such a hopeless condition that there is any hurry that this Bill should be passed to-day.

In this connection yesterday some communal feeling was sought to be raised and communal questions were widely discussed. I think that we are wrong in introducing communal questions in this matter. The Hon'ble Member himself realises that there is no communal question in it; the students there are more Hindus than Muhammadans; amongst the professors the Hindus are preponderating. I strongly deprecate any attempt to introduce communal questions into every conceivable subject. I was much pained to hear from Mr. A. K. Ghuznavi when he said "in these days of the much boasted Hindu-Moslem pact", and he wanted thereby to enlist the support of the Hindus because of the pact. It came with ill-grace from his mouth; whenever it suits his purpose he refers to the pact. I would ask Mr. Ghuznavi to come forward and act up to the other parts of the pact so that Hindus and Muhammadans might combine for the purposes of constitutional progress in their attempt to get Swaraj in the near future. Is he willing to do that? He cannot burn his candle at both ends. In a non-communal question like this he does not fail to invoke the aid of the pact and threaten the Hindus into supporting the Bill. When the question of the pact was raised, I might tell the House that it was long before the pact that a Brahmin of Brahmins, Sir Ashutosh Mookerjee, founded the chair for Arabic and Persian study in the Calcutta University, and even now the Calcutta University is a great centre of Islamic culture. The whole question, therefore, apart from the extraneous matter introduced in the discussion, is this: is there any apprehension that, whenever any demand is made on behalf of the Dacca University, that demand will not be granted? There should be no such apprehension, and I fail to understand why a statutory enactment should be made for the purpose of ensuring a fixed grant in perpetuity for the Dacca University. The question before the House is the question whether the legislature should be deprived of its right and privilege to make the grant every year. To-morrow a Bill might be introduced that in the case of the Ministers' salaries, there should be an enactment ensuring the salaries of the Ministers and similarly in the case of all other conceivable subjects. You can by introducing a Bill take away all subjects from scrutiny and discussion by this House. The question is one of principle, and I hope the House will agree to accept the amendment, if not that moved by Dr. Pramathanath Banerjea, at least that moved by Dr. Bidhan Chandra

Roy. What is the harm in delaying the Bill for 3 months, up to the 30th November, when no money can be voted till March 1926? There should be no apprehension in delaying this Bill for 3 months so that the Select Committee may obtain the views of the Dacca University and the Calcutta University and come to certain conclusions on such points as may be referred to them. I do not say a bait, but something like a bait was thrown out to the people of Western Bengal to the effect that if we agreed to the principle of a statutory provision of a certain amount for the Dacca University, a similar provision will be made for the Calcutta University. If the House and the Select Committee decide to accept the principle of this Bill and if the reason for the Government in not at once introducing a Bill for the grant of a certain sum of money to the Calcutta University every year by way of enactment is that the Government have not been able to come to any decision on the recommendations of the Committee for post-graduate teaching, I should beseech the Hon'ble Member to accept the amendment of Dr. Bidhan Chandra Roy so that within 3 months when they will be able to come to a decision after reading the report of the Special Committee, they might introduce a Bill also for giving a grant to the Calcutta University by way of enactment. Let the House discuss the two Bills together. This is all the more reason why the House ought to accept Dr. Bidhan Chandra Roy's amendment, so that another Bill of a similar nature might be introduced for helping the Calcutta University. The affairs of the Calcutta University are well known and have been discussed in this House during the last 3 or 4 years, and yet the Government have not been able to come to any conclusion in respect of making a grant to that University. So what is the harm in delaying the present Bill for 3 months so that the Select Committee might consider whether an amount like that ought to be included in the Act or kept votable. Therefore I appeal to the House to accept the amendment of Dr. Bidhan Chandra Roy.

Khan Bahadur KAZI ZAHIRUL HAQ: I should like to make a few observations with regard to one point only on the Dacca University question which appears to have assumed a controversial aspect, to the great misfortune of the University, due chiefly perhaps, to its being situated in East Bengal; and I propose to begin my remarks with a question. With what ideal was this institution of reformed Councils brought into being, and with what ideal have we all come here as representatives of the people? I think I can say without the fear of any contradiction that it is with the ideal of true and effective self-government for the country. And what practical measures have been adopted by the great sons of Bengal and wisely and generously conceded to by our rulers, for its final fruition? The autonomous Corporation of Calcutta with an income of over two crores of rupees per annum, stands out as a bright example of it.

The Government revenues are contributed to by the people of Bengal, the same people contribute to the enormous income of the Corporation, and the very same people, I may be permitted to say, contribute to the big fee income of the Calcutta University. All these monies are public monies, and as such the public, and for the matter of that their representatives, have a right to exercise certain control over them. But in order to make a test on a smaller scale of the capacity and fitness of the people to govern themselves the Corporation has been invested with almost full control over its revenues. And we all know how jealously have the Calcutta University authorities under the powerful lead of the giant educationist, the late Sir Asutosh Mukherjee, been guarding against any attempt at impairing its independence. It is a pity, therefore, that such a violent opposition should be started against the poor University of Dacca in the matter of granting it a little free hand in its management, so generously thought out by Government with the ultimate object in view, and this from two famous doctors of the Calcutta University, the chosen pupils of the great Saraswati. Are the Dacca University authorities a less responsible body than those of the Calcutta University or the Calcutta Corporation? Are we going to make the proposed statutory grant to the Dacca University without any well considered calculation?

I wonder if the departed souls of the great sons of Bengal so quickly taken away from among us one after another, should be watching our proceedings in this Council and should be thanking their stars for having been called away in time to be saved from the shame and disappointment of seeing such results of their life work so trustfully and confidently bequeathed to the country. It is indeed a bitter but no less true example of a great fall from the ideal! I have no other remarks to make. I depend upon the good sense of the House.

Babu AKHIL CHANDRA DATTA: I do not propose to make any speech. I shall content myself with making one single observation. There seems to be a lurking suspicion in some quarters that at the back of these amendments there is a desire for refusal or reduction. I take the liberty of assuring the House that nothing is further from the intention of the movers than this. It is true that delay sometimes amounts to denial, but the position has been made sufficiently clear that it is not in the contemplation of the movers or the supporters of those amendments either to refuse or reduce. That is not their object. There are two questions involved in this matter. The first is about the grant itself, as to whether there should be a grant to Dacca University at all or not. So far as this question is concerned there is no difference of opinion that we should give some grant to Dacca University. The next question is as regards the particular mode in which that grant is to be made—whether it ought to be a voted matter or not, or whether it ought to be granted by legislation. I must confess that

although there seems to be some difference of opinion as to whether this is a better way of making a grant—and it has been discussed yesterday and also to-day, yet it appears to me that the whole discussion is more or less academic. So far as Dr. Roy's particular amendment is concerned I do not think I am far from correct if I say by implication if not expressly that he is opposed to the principle of the Bill. If there is any doubt on the question I can assure the House on the authority of Dr. Roy himself that his attitude is not only not one of non-committal but express opposition to the Bill, so that there can be no room for any misgiving. Then it is suspected in certain quarters that the Hon'ble mover of the Bill thinks that if there is delay there will be no chance of carrying it himself through the House. On that point again I for myself and on behalf of the supporters on this side of the House, specially the Hindu members, am in a position to assure the House that there will be absolutely no difficulty on account of his absence. There is nobody here really willing to undo the grant. If it is expedited it can be passed during the term of his office. Therefore all that is wanted—I can say it without the disclosure of any secret—is that we shall be told by facts and figures what is the amount really necessary for the Dacca University. Even if a larger amount is necessary we shall not grudge it to the University of Dacca. That being the position—the real position on this side of the House—I do not think there can be any misgiving, and in view of the assurances repeatedly given, I think the amendment of Dr. Roy will be accepted by the House.

Dr. H. W. B. MORENO: After the speech of the Hon'ble Sir Abd-ur-Rahim concerning the Dacca University Bill I listened with a great deal of patience to what my friends on the opposite side might have to say with regard to the delay in the passage of the Bill. I paid great attention to what the two great advocates of the Calcutta University had to say. Dr. Pramathanath Banerjea and Dr. Bidhan Chandra Roy both command my very high respect and I was anxious to know whether they would put forward any real argument for the postponement of the Bill. I, for myself, when the Bill was presented, took a dispassionate view of the whole situation and kept an open mind with regard to the passage of the Bill: but what are the arguments that have been brought forward against the Bill? Dr. Banerjea has said that it was the constitutional right of the Council to criticise from year to year the actions of the University which is embodied in the giving of an annual grant; I am entirely at one with him in an argument of this kind; but that does not shut out the argument that the Council has equally the right of conferring upon a body the right of having a grant which does not come up annually for sanction. Dr. Banerjea also discussed the troubles of Calcutta University and said that as Calcutta University was not well served he did not see his way very clearly to approaching the Dacca University scheme with equanimity.

Dr. PRAMATHANATH BANERJEA: May I say a few words by way of personal explanation? I did not introduce the question of the Calcutta University. What I said about differential treatment was in reply to the observations made by Sir Abd-ur-Rahim.

Dr. H. W. B. MORENO: Dr. Banerjea did indulge in a great deal of invective regarding the manner in which Calcutta University had been treated and my plain reply to that argument is this: Why do you have such a dog-and-the-manger policy? Why do you insist upon another body being deprived of a grant from Government because you have your own troubles with the Government? That is not a wholesome principle to follow nor a very healthy maxim to abide by. Dealing with Dr. Bidhan Chandra Roy's argument I must say that he had a very happy way of saying that whenever Sir Abd-ur-Rahim employed persuasive and forceful arguments, they were very elementary or were nothing more than mere axiomatic truths. I felt all the while that he was trying to cut away the ground from some of the cogent arguments adduced in favour of the Dacca University Bill. Dr. Roy as head of the financial department of the Calcutta University also spoke in similar strains of the woes of Calcutta University.

Dr. BIDHAN CHANDRA ROY: I did not, Sir. I purposely avoided any reference to the Calcutta University for very good reasons.

Dr. H. W. B. MORENO: I stand corrected. I must have been very deaf for I understood differently on this side of the House. However, there again we have had similar arguments that if Calcutta University is not well served Dacca University must not be well served also. You have really the whole show exposed in the speech of Maulvi Wahed Hossain, the *enfant terrible* of his Party. He heaped upon the whole question of the communal element that had been introduced into the arguments what is really underneath the whole question and which we have been all very careful to avoid in open Council. With regard to this aspect of the case I say that if these hon'ble members of the Council insist upon bringing in the communal element at all times, stating that they are willing and anxious to abide by pacts and agreements, I am sure they can have very little to say against the immediate passing of the Bill. Here is the acid test of the position of members in their appreciation of this much vexed communal question. I shudder to think—

Babu DEBI PROSAD KHAITAN: May I rise to a point of order. I thought that it was an elementary rule that if certain members of the Council gave some explanation of their motives the other members of the Council should in fairness to them treat what they have said as

correct and when certain members say that they did not touch the communal question is it not right that Dr. Moreno should not raise that point in the spirited way in which he is doing.

Mr. PRESIDENT: I do not think he is quite out of order.

Dr. H. W. B. MORENO: It is not for Mr. Khaitan to say whether I am in order or not in order.

Mr. PRESIDENT: Go on Dr. Moreno.

Dr. H. W. B. MORENO: If this is the way in which pacts and agreements are respected I shudder to think what will happen to the Anglo-Indian community which is now being cajoled to the side of a Party represented in this House.

Dealing with the Bill itself I see—and it has been very well put forward by the Hon'ble Sir Abd-ur-Rahim—that Dacca University has not the fee fund and the endowments which the Calcutta University possesses. That is all the more reason why it should be helped, and helped in a large measure. Furthermore we are told that if Dacca University were to get this grant of five lakhs and a half a year, it will all the same have to come up from time to time for additional grants. As a child it must continue to develop and if it does so it must require more money in the way of sustenance, in that respect there will be ample opportunity for checking its work and noticing its progress, by the Council.

Dr. Bidhan Chandra Roy spoke about the offering of higher salaries to Professors who were previously in Calcutta University and had gone on to Dacca University. I fail to see very much in that argument. I feel as a Professor of some years' standing that Professors are not always actuated by principles of monetary gain only; they are more or less tied down to old associations; they are, after all, teachers of youth and the seminaries or institutions with which they are connected for years have an attachment for them; if at all these Professors have gone on to the Dacca University they have gone there for the very simple reason that they were getting here ridiculously low salaries which the organisers of the Calcutta University ought to be ashamed to mention here in this Council. This has been due to the overstocking of the University by Professors, most of whom have got their services through back-stairs influence. The whole argument on the other side comes to this one great issue; we do not oppose the Bill, we want a little time to consider the Bill, or in other words we want to have an ample opportunity of going into the details of the Bill. After all what does this Bill ask for? It makes one simple request that Rs. 5 lakhs and a half are required for the up-keep of Dacca University. That such a sum is necessary is acknowledged by every body here and I fail to see

what further time is required to examine and see whether 5 lakhs and a half are required and with this in view the Bill should be submitted to a Committee, thereby enforcing unnecessary delay. Furthermore, I should like to say, with a great deal of emphasis, that if the intention of the members of this Council is to try and get the Dacca University Bill into the hands of a Committee the possibility will be this that the Government and the Council will have the right to interfere with the internal management of the University—they will start to criticise and dictate and that is the very thing which my esteemed friends, including my respected friend Babu Bejoy Krishna Bose, have been fighting against all the while, in Calcutta. We want the Universities here in this country to be autonomous, self-supporting and we do not want for a single moment any outside authority to interfere with their internal management. A delay of this kind as suggested by my friends on the opposite side is nothing else but an attempt to thrust their fingers into the pie of Dacca University and interfere with its own management. That, Sir, after all is one of the most dangerous things which Calcutta University has been fighting against for a long time and which it is continuing to fight. Autonomy in self-governing institutions is a principle acknowledged not only in England, but all the world over. There can be nothing gained by way of delaying the Bill by placing it in the hands of a Committee. Let us have the Bill passed and give the University a chance. We can criticise its actions later, after when it oversteps the limits imposed. Let us meet the situation with an open mind. Be assured that after the Dacca University Bill is passed the supporters of Calcutta University can come up again, as the Hon'ble Sir Abd-ur-Rahim and His Excellency the Governor have said, for a grant for the up-keep of the Calcutta University. We know from one of the questions answered only this afternoon by the Hon'ble Sir Abd-ur-Rahim that Government is pledged to an annual recurring grant to the Calcutta University. Ask for your grant when your turn comes, but do not hinder and delay others in getting theirs, is my wholesome to my friends on the opposite side. Opportunities will come to you, if you will not allow this opportunity to go by.

Mr. A. F. RAHMAN: I am a little astonished at the opposition to so just a measure. I would have thought that the Council had no doubt in its mind about the necessity of a grant for the Dacca University; and that this measure was merely carrying out their desire. Dr. Pramathanath Banerjea has very ably argued the case of the Calcutta University and has shown the pitfalls that Dacca University should avoid and has made out an excellent case for a permanent grant. I feel like congratulating Government for its courage—for it is courage to introduce a measure that divests them of the power of interference. The question has been raised: what is an adequate grant? There seems to be some misgiving that Dacca is very generously treated and that it

could do with less than 5½ lakhs and I take it that this is the reason for the crop of amendments and a desire to refer the Bill to a Select Committee. The Council would remember that when the University was being brought into existence, the Local Government planned expenditure on a scale which would have ultimately meant 11½ lakhs a year. But in those days retrenchment was in the air, practically every institution had its Retrenchment Committee and owing to pressure from the Court of the University, the Executive Council was obliged to appoint a Retrenchment Committee and its conclusions were accepted. Scales of pay, the number of the staff, were mercilessly cut down; schemes of expansion were tabooed; any expenditure that was not strictly necessary was vetoed. Sir Provash Chunder Mitter, who was then the Minister of Education, had repeatedly told the University that they must manage on 5 lakhs but the University, I mean the Court and the Executive Council, after very carefully and conscientiously considering the whole question decided that 5½ lakhs was the irreducible minimum amount that was required to maintain the University and this sum is not very much more than what Government used to spend to maintain the Dacca College. The immediate effect of these proposals was that the University lost some of its ablest members and there was a feeling of keen disappointment and insecurity in the University. In order to stabilise conditions, the University had to enter into long contracts with some of its officers and teachers and 5½ lakhs is the absolute minimum that is necessary to keep the University going. All papers in this connection were submitted to members of the Council at that time; Government has been fully kept informed of all that was happening within the University and Sir Provash Chunder Mitter, who was then the Minister of Education, and the present Education Secretary who was then the Treasurer, would confirm all that I have said. These are the plain facts; the University is not embarking, as a matter of fact, cannot embark, on any fresh expenditure; the Council has been voting this amount to the University for the 5th year in succession; the University budget has been subjected to a rigorous scrutiny by the Government and by the Court of the Dacca University; no further reduction is possible. In these circumstances I submit, would any fruitful purpose be served by referring the Bill to a Select Committee? There is nothing new that can be placed before the Committee. Dr. Roy is agreed in principle. He is himself a distinguished educationist and I have not understood why he has approached the problem of Dacca University from the point of view of a surgeon; he wants to see if further cuts are possible. He must realise that this procedure will ultimately impair the efficiency of the University. If he considers the salaries of Dacca University attractive and reasonable may I suggest to Dr. Roy, the politician, that he should use Dacca University as a lever to improve the prospects of teachers in Calcutta and obtain more money from Government. It has never been disputed here

that the University itself must be maintained. If therefore you agree to maintain a University and recognise that an annual grant is necessary, it seems to me that the motion of Sir Abd-ur-Rahim should pass without a division. It has been said that this is a curtailment of the Council's power—but is it really so? It is well-known that the University was promised by Lord Hardinge to an influential Muhammadan deputation and the Dacca University Act is merely a fulfilment of that promise and a recognition of a real need. The University has now been in existence for 4 years; it has abundantly justified the hopes of those who were most anxious about it and very careful investigation has showed that 5½ lakhs is the minimum amount necessary every year to maintain it in its present stage of development. The Council has voted the recurring and capital grants to the University and an assurance has been given that in future money will be voted. The Bill then merely translates into law, the wishes of the Council.

Universities are the power-houses of freedom, and I wish to place this view before the Council, that in the present political temper of the country is it not necessary to allow these power-houses to expand and develop free from Government control and interference? A statutory grant would achieve that object. It would ensure freedom of teaching and freedom of thinking; and then again, legislatures are predominantly political bodies: is it right that the political programme of a Council should ever adversely affect Universities that have contributed and will contribute to the regeneration of politics? In all work that have far-reaching results the workers should have a sense of security and a feeling of confidence in the future, so that they can plan in advance and see the fruition of their plans. This Council recognises just as much as I do, the importance of a University in the scheme of our national existence—to it principally is entrusted the task of promoting an intellectual renaissance for the regeneration of a people. This is recognised, and it would be an act of statesmanship on the part of the Council if they express their approval by guaranteeing security to the University. I do not dispute for a moment, that there might arise defects in the administration of the University but there are safeguards within the University Act itself for the prevention of these defects and the real remedy is effective public control in the University bodies; and the University, recognising that its administration should conform to the demands of the public, is considering a scheme for increased popular representation on its bodies and in due course this will be presented to the Council. And the Council still can supervise and watch the activities of the University; the annual non-recurring grant—the moral claim of the University to this has been acknowledged in this Council—will be voted upon every year and nobody pretends that the University can possibly put into operation all its schemes for expansion and developments, with the 5½ lakhs that is proposed for it. This amount is just necessary to preserve the University in its present condition; any fresh

scheme of expansion would entail expenditure and the University must submit its case to the legislature of the province and I am certain the Council does not wish that the University should remain stagnant and just what it is to-day.

Then there is the question of Hindu-Moslem unity; so much is said about it but nothing is done for it. The Muhammadans are reproached for being a dead weight on the progress of the province.

One of the speediest and surest ways of achieving unity would be to create a sense of equality and a feeling of confidence in the less advanced community. A University can very greatly contribute to the solution of this problem and so far as this is concerned, Dacca by offering special facilities has amply justified its existence by attracting an increasing number of Muslim students, by furnishing many recruits to the public services of the country and by fostering a feeling of confidence. Young University men are the trustees of their generation; Dacca may claim to have produced a body of men who will act as the advance guard of Hindu-Muslim unity. The University has been adversely criticised in many quarters. Every institution that grows, suffers criticism and it is necessary for healthy growth but criticism of a University must be on academic grounds, not merely on political considerations. Dacca has grown and the public have fashioned it. I would suggest that members of the Council should go and see the University, its life, its surroundings, the earnestness of purpose that dominates its activities. Dacca knows it has to justify itself and the Council must concede that Universities are not built in a day. Its traditions, its antiquity are some of its greatest assets; but even in so short a time, as its work becomes better known, the University has earned the confidence of the province. All that is wanted is that this Council would guarantee its existence and permit it to function unhampered by any nervousness every March. That is the simple proposition. For every fresh demand from the University—and these are bound to come—the Council will have ample opportunity of expressing an opinion, and within the University Act itself there are ample safe-guards to prevent abuse of power.

The question of a statutory grant to a University is an abstract question, to be decided on principle and the underlying principle is essentially just and sound. I could have pointed out examples from other provinces, but Bengal should not be harnessed to any other province. Bengal can judge independently and I urge on the Council to decide this question unaffected by prejudices or by any political shibboleths of the hour.

Rai HARENDRANATH CHAUDHURI: Sir, many misconceptions appear to be prevailing in regard to the question before the House and if any body has got to thank himself for these misconceptions I think it is the Hon'ble Member-in-charge himself. In the first place

he started with the repudiation that the Dacca University is not a sectional University, most probably anticipating that there will be communal jealousies over this question and he ended by referring to the larger benefits which the Muhammadan community enjoy in the Dacca University. Poor Dr. Roy could not understand him and he attacked him for his inconsistency. But he forgot that the Hon'ble Member-in-charge was in a helpless position. He had to attract Hindu votes and therefore he had to say that the Dacca University was not a sectional institution; at the same time he had to attract Muhammadan votes and therefore he had to point out the larger benefits which the Muhammadans would derive from that University. Every body in his position will probably be guilty of such inconsistency.

Then about the reference to the Calcutta University over which so much heat has been generated. But the Hon'ble Member himself is again responsible for it. He referred to the Calcutta University in order to justify why the proposed perpetual grants should be guaranteed for the Dacca University and in his enthusiasm to create a case for the Dacca University Bill he made a statement which is in the nature of a *suggestio falsi*. He said that the Calcutta University does not require Government grant because it has got an income of 21 to 22 lakhs of rupees, but he entirely forgot to mention another very important point which he ought to have mentioned in this connection and it was this: that much of the endowments of the Calcutta University are earmarked for particular expenditure and especially expenditure for research work. The recurring revenue income of the Calcutta University, as far as I know, comes up to Rs. 12 lakhs a year and, after the post-graduate classes were started, the annual revenue expenditure has come up to Rs. 14 lakhs. Therefore the Calcutta University has been run every year with a deficit of Rs. 2 lakhs or more. Hence the Calcutta University needs Government aid as badly as the Dacca University. But it was not to the interest of the Hon'ble Member-in-charge to mention this and therefore he did not mention this.

But what after all are the points to be considered? Some members have sedulously attempted to cloud the issues. The issues are quite clear. Two straight questions have been put to the House by Dr. Banerjea and Dr. Roy. One is this: that the Bill should be circulated for the purpose of eliciting opinions. If the supporters of this Bill have no reason to fight shy of popular opinion then why should they be at all nervous when such a proposal is made by Dr. Banerjea. The crucial question is this: Do they care for public opinion or do they not? If the supporters of this Bill think that the public are in support of their proposals then they should welcome such a suggestion. If they on the other hand think that the public are opposed to this Bill then how can they expect us their representatives to support this Bill? After all it is not our money. It is the people's money which is concerned.

Another question is this: that the Bill should be referred to a Select Committee. Of course if the supporters of the Bill think that if the Bill be referred to a Select Committee then there is reason to fear that certain exposures will be made and certain inconvenient facts will be brought to light then they may withhold their assent. Otherwise why should they not welcome the proposal for a reference to a Select Committee. Dr. Moreno thought that these two propositions were dilatory propositions and he said that Dr. Roy and Dr. Banerjea were unable to make out any point at all in support of their contentions. But Dr. Moreno forgets that the onus rests upon the Government to prove what reasons there are for rushing the Bill through the Council—enacting the measure in such a hurry and pressing three readings at one sitting. The onus is not upon Dr. Roy or Dr. Banerjea but upon the Government. Dr. Banerjea and Dr. Roy were merely asking for normal procedure to be followed. Any one who wishes to proceed abnormally on him does the onus lie to prove that there is such an urgent necessity that the Bill cannot be held over even for three months.

I do not know what points have been raised by the representative of the Dacca University because probably owing to my being short of hearing I could not hear him at all. There is one point which the Hon'ble Member-in-charge mentioned when asking for this grant to be made permanent. He said that for the last five years we had been giving the Dacca University five lakhs of rupees for recurring expenditure. Every one knows that. But what he did not mention is that we have also been giving them Rs. 4 lakhs and odd for capital expenditure every year out of which the Dacca University has saved, I am informed, about Rs. 12 lakhs. But this is in passing. The Hon'ble Member-in-charge said that he did not ask for more than what we had been giving to the Dacca University. But the question is not whether he is asking for more or less The question is this: whether in passing such a Bill, which is going to guarantee a permanent grant to an institution, we should be more cautious or not than we used to be when the annual demand came. And the question should be approached from that point of view alone.

Babu SURENDRA NATH RAY: Sir, I am not one of those who would grudge this amount to the Dacca University. The people of Dacca, specially my Muhammadan brethern, can accuse me of no ill-feeling towards them. It is now six years ago that during a Council meeting at Dacca I proposed that the status of the Engineering School at Dacca should be raised. My proposal was accepted by Government and the status of that school was raised. But my difficulty in supporting the present Bill is this: We do not know what is the normal expenditure of the Dacca University—how many professors are there—what is their pay—how many lecturers are there and how many demonstrators. These facts have not been placed before us by the Hon'ble Member-in-charge. If we had known all that we should have been in a position to give our

support or to with hold it. I think we can very well ask the Hon'ble Member-in-charge to give us all these facts. You ask us to grant Rs. 5½ lakhs per annum to the Dacca University and that without our knowing anything about its normal expenditure. You want to bind the people of Bengal to an item of expenditure without telling us why this expenditure is necessary. It is a well-known fact that about a year ago, when the Hon'ble Sir Abd-ur-Rahim and the Hon'ble Nawab Saiyid Nawab Ali Chaudhury were members of Government, the Calcutta University wanted some money for its post-graduate classes and what did the Government do? Government did not off-hand grant the money, no, it appointed a Committee of which the Accountant-General, Bengal, was one of the members, to scrutinise the accounts of the Calcutta University and it was after the recommendation of the Accountant-General and of that Committee that some money was granted to the Calcutta University. If that is a fact—and nobody will be able to deny that fact—why should a different procedure be adopted at the present moment. Personally, I shall only be too glad to support the University Bill of the Hon'ble Sir Abd-ur-Rahim, but my difficulty is that we must know the facts and when we know the facts I shall be only too glad to support the Bill, but at the present moment without any facts and figures before me I cannot do it.

Mr. F. E. JAMES: I hope the Indian members of this House will forgive my intruding upon a matter which may fairly be claimed to be one entirely for the Indian members of the Council. I am sure they will forgive my presumption when I say that out of my love for my own University I take a real interest in higher education in whatsoever country I am. Now the question of this Bill has been treated from various points of view and I think every member of the House will agree on two fundamental assumptions. First of all, there is in Bengal a need for two Universities, and secondly the constitution of the Dacca University, while it does offer exceptional facilities to the Muhammadan community, yet can claim the support of all sections of the community—Hindu, Muhammadan or Christian in Bengal. The real problem is an educational one. The question the House has to ask itself is—how can we best secure stability and efficiency in the educational institution of Dacca? Now in the first place I should like to make it clear that the principle of a statutory grant is not a new one as far as the relationship between State and University is concerned. We have statutory grants in other provinces of India—in Madras, Delhi and, I believe, in Nagpur. Then when you look into the constitution of the State Universities of France and Germany and of many of the State Universities in America, you will find immediately that practically all those institutions, at any rate those on the Continent have, statutory grants, some very much larger than the sum that has been asked for the Dacca University. So this principle is not a new one in University administration. In the second place, the acceptance of the principle of this Bill does not necessarily remove from

the Chamber of this Council the necessity for a discussion, an annual discussion if you wish, of the needs of the Dacca University. I am given to understand that this Bill provides only what are the minimum requirements of the University. Mr. Surendra Nath Ray has just stated that he cannot vote for the Bill until he knows precisely how every rupee, anna and pie is spent and yet he has been voting for a considerable number of years for the annual grant to this University and I gather that he has not previously secured that information. In the second place, it is open to any member of this House to amend this Bill or to bring in a Bill for the repeal of the Act. How then can it be said that the opportunity of discussing the needs of the University will be taken away from the House. Yesterday Dr. Bidhan Chandra Roy in his able and clever speech—clever in that he evaded the main issue—referred to the fact that many of the professors of the Dacca University were receiving larger pay than professors of the Calcutta University occupying similar positions. I gathered from the speech that he was reading from the report of the Post-graduate Committee. When I got home last evening I turned over the pages of that report and I found more examples than that were quoted. But I read the report to the end and I found the following passage:—

> Examples could be multified but those given above are sufficient to illustrate the point that unless some efforts are made for the stabilisation of the departments, the University will find difficult to maintain an efficient staff of teachers in future.

That is the very point of this Bill. The Bill does provide the minimum requirements which enable the University to maintain an efficient staff. I should like to read to the House examples of State grants that are given to the Universities in England to indicate how comparatively modest is the demand made for Dacca University in this Bill. Oxford University £60,500, Glasgow £63,000, Leeds £46,000, Birmingham £55,000 and Manchester £56,000. Therefore it cannot be said that we are making an extravagant demand when we ask for a statutory grant of Rs. 5½ lakhs. In the next place it is absolutely essential that the uncertainty with regard to the engagement of professors should be brought to an end. You cannot run a University efficiently when you are unable to give a firm contract to your teaching staff. Yet for some time to come, unless this grant is made statutory, that position of uncertainty will remain as far as this University is concerned. Further, this Bill places the minimum requirements of the Dacca University beyond the reach of certain considerations which have moved this House at various times, but which have nothing whatsoever to do with education. Various members have said that up to the present this House has not yet rejected the annual grant to the Dacca University. I quite agree, but on more than one occasion it has very nearly rejected that amount, and the total amount was within an ace of being thrown out on one occasion on a question which had absolutely nothing to do with the general question of the education of the province. Now take the position in England. In England, as far as I

understand the position, we do not have these statutory grants. On the other hand, we have certain conventions. We have in the first place a political convention in regard to the granting of block amounts to the various Universities. These conventions are the result of parliamentary practice of over 600 years. We are in the beginning of things in Bengal and I think it is just as well to recognise that unless these conventions are firmly established, both the Calcutta and Dacca Universities are in danger of having their supplies seriously dinfinished on considerations which have nothing whatsoever to do with education. Then there is the convention in University life in England which is many hundreds of years old—that a University is absolutely autonomous and brooks no interference whatsoever from the legislature. Yet I hear members from the other side of the House proposing that this Council should interfere in the matter of the administration of education. Surely that is not the spirit in which this House should take the Bill. Points have been raised to-night and yesterday by what I may call the University group of the House—I mean the Calcutta University group. It is curious that the amendments so far moved have been by gentlemen who are very closely associated with the Calcutta University. I do not in the least question their motive; I merely state the facts. I would, however, ask the Hon'ble Member who introduced the Bill to make it perfectly clear that when the time comes Government will be prepared to grant the same statutory rights in regard to the Calcutta University that it is anxious that this House should adopt with regard to the Dacca University. With that assurance I do not see how this House, if it acts wisely and generously in the matter of education, can delay this Bill. There is nothing to argue about. The Dacca University needs a certain block amount to maintain itself in minimum efficiency. Let us accept this Bill whole heartedly. All we are asking the House to do is to grant the amount without cavil and without delay so that the foundations of education in Bengal may be firmly established.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Mr. J. M. SEN GUPTA: I move that the question be now put.

Mr. PRESIDENT: Order, order. The debate will continue.

KHAJE NAZIMUDDIN: After listening to the speech of Rai Harendranath Chaudhuri I have come to the conclusion that he is supporting both the amendments that have been moved, which means one amendment does not accept the principle that a statutory grant should be made to the Dacca University, whereas the other amendment accepted the principle but criticises the details of the Bill. So it appears that he supports two contradictory things at the same time—

whereas he is doubtful about the principle of the Bill but at the same time accepts the principle of the Bill and wants to send it to the Select Committee. Similarly, Babu Amulya Dhone Addy the other day said in his speech that the Dacca University has got 3 colleges, whereas the Calcutta University has got 20 colleges, and the grant to the Dacca University is 5 lakhs, whereas the grant for the Calcutta University is something like 3½ lakhs. As a matter of fact the two Universities are quite different from one another; one is a residential University and the other merely an examining University. I would like to point out that these 20 affiliated colleges receive a grant from Government amounting to something like 30 lakhs of rupees. All the speakers speaking on the two amendments started to say that they wanted to consider the principles involved in the Bill, but at the same time they have all been bringing in the Calcutta University and saying that Government have done nothing for the Calcutta University. Dr. Bidhan Chandra Roy accepts the principle of the Bill but wants to send it to the Select Committee simply for the purpose of criticising the scale of salaries paid to the professors, demonstrators and lecturers of the Dacca University, and to suggest the scale for both Universities. I think that these questions can only be decided by a Royal Commission because it will mean finding out what the scale of pay should be not only in Calcutta and Dacca Universities, but also in the various other Universities in the whole of India. I would like to point out that the scale of pay paid in the Dacca University is not higher than that in the Calcutta University. I think it is the same though not less, but it is the same as that in the Indian Educational Service and the Bengal Educational Service.

As far as I can see no case has been made out either for circulation of the Bill or for sending it to the Select Committee. The questions are simple. It is essential that the Dacca University must have 5½ lakhs. There is one thing that this Government has ever been accused of, and that is of being generous as far as grants are concerned to the Dacca University. As Mr. Rahman has pointed out in his speech, Sir P. C. Mitter went thoroughly into this question of the Dacca University when the question was raised during his Ministership, and came to the conclusion that the Dacca University cannot be run on less than 5½ lakhs. Similarly, I would like to refer to Mr. Fazl-ul Huq's speech where he gave an instance where the Minister might be unsympathetic to the Dacca University and may not make provision for it or may curtail the grant. I could give another example which is very alike. Just now these subjects are reserved and they are under the charge of the Members of the Executive Council. There is every likelihood that in the next general election there may be a large majority of those people who think that there must be a total refusal of all grants until their grievances are removed, and if this subject is not under the control of an Executive Member of Council then, there is every likelihood that Government may have to interfere in the management of the Dacca University. It is an

accepted principle that these Universities should be run by representatives of the people aided by certain nominated members. There is no reason why Government should be allowed to interfere with educational institutions. This point has been made very clear by Dr. Bidhan Chandra Roy. I think that this Council have got no right to sit in judgment on the internal affairs of the University. Babu Surendra Nath Ray said in his speech that he would like to know the amount spent on the pay of the professors and demonstrators, also the number of professors and demonstrators. This is a question that has got to be decided by the Executive Council of the Dacca University. It is not the function of this Council to decide what number of professors and lecturers are necessary in a particular department of that University.

With these words I beg to support the Bill.

The Hon'ble Sir ABD-UR-RAHIM: The debate on this Bill has already been prolonged and I should not feel justified after the question has been so fully threshed out, to take up much more of the time of the Council. The question is a very simple one and is only a question of principle. Do you want the Dacca University to be a self-governing institution entitled to manage its own affairs without any outside interference either from this Council or from the Government? If you concede the proposition that the Dacca University ought to be an autonomous institution, the rest follows. I take it then that you would preclude yourself from telling the Dacca University that the arrangements they are making are wrong and not as they should be, that there should not be so many professors, or so many teachers, or so many subjects taught by them, or that their salaries ought to be as you and not they want to fix them. That is a principle which I think no one in this House will object to or complain about.

Dr. Pramathanath Banerjea told the House that in his own personal opinion the principle underlying the Bill was the right one, but at the same time he wanted the Bill to be circulated for public opinion. That only implies that the Professor is not very sure of the soundness of his own opinion, but looks for support from outside. I should have thought that, so far as this question is concerned, it was too late for the Professor himself to doubt his own judgment in this House. He has repeatedly complained against Government looking into the affairs of the Calcutta University. Dr. Bidhan Chandra Roy, clever doctor as he is, I am sure would have been equally successful in the profession of law. He knows to perfection the art that is practised by some lawyers. If you have a hopeless case, a bad case, then try first of all to evade the issue; if you cannot do that, the next course is to confuse the issues; the third and the last course is to abuse your opponent.

Dr. BIDHAN CHANDRA ROY: Is that what lawyers always do?

The Hon'ble Sir ABD-UR-RAHIM: So far as abusing the Government is concerned, it is such a chronic thing in one section of this House

that nobody minds it. I can assure Dr. Bidhan Chandra Roy and Dr. Pramathanath Banerjea that so far as I am concerned, I am not in the least moved by any abuse. I submit that there is absolutely no case for circulating the Bill. It is this House that has got to decide the question whether we want to make the Dacca University an autonomous body. It is for the House to decide that point and that is the only question. There is no occasion either for sending the Bill to the Select Committee. I do not wish to impute any sort of motives to any hon'ble members of the Council, and have never done so. I have heard a great many protestations that they do not want to delay this Bill, that there is no necessity for delaying it. All that I say with the utmost confidence is that there is absolutely no occasion to refer the Bill to a Select Committee. So far as this House is concerned, it has been accepted in 5 successive years that 5 lakhs is the minimum which ought to be granted to the Dacca University. I have explained to the House already why I am making the demand for a statutory grant. I have not heard any voice against it. Now, what is the question to be considered? It is well known parliamentary practice that it is for the House itself to decide all questions of principle. It is when you accept the principle of the Bill, then and then only you send the Bill to the Select Committee, if there are details to be threshed out. No such detailed provisions have to be considered. The only question is one of principle which I submit no one has yet questioned. If I am right in this, then there is no excuse for anyone not to support this Bill. One thing I must say, that Government is extremely anxious to put an end to these quarrels, these jealousies between the Calcutta University and the Dacca University. (A VOICE: There is no jealousy.) No jealosy! Then Dr. Pramathanath Banerjea must have a much shorter memory than I have. Year after year in this Council whenever any question of a grant to the Dacca University has been raised, somebody or other has raised questions relating to the Calcutta University and *vice versa*. We do not want this state of things to continue. We do not want either of these Universities to suffer. This is one of the reasons why I have introduced this Bill. I have informed the House in answer to a question asked this very day that we shall be prepared to introduce a similar Bill for the Calcutta University and I submit that after that assurance it is not open to any member of the House to have any misgivings on the point. I submit that there is no one in this House who is not anxious to develop self-governing institutions in this country, and surely my Swarajist friends are most anxious to further this cause. If that is so, is it for them to throw out this Bill instead of making the Dacca University like the Calcutta University, a self-governing institution as soon as possible? Surely not.

Mr. J. M. SEN GUPTA: On a point of order, is the Hon'ble Member entitled to say that any member is throwing out the Bill by supporting an amendment that the Bill be circulated for public opinion?

Mr. PRESIDENT: That is merely an inference.

The Hon'ble Sir ABD-UR-RAHIM: Therefore I suggest that the hon'ble members should help Government to put an end to all jealousies, all bickerings once for all by passing the Bill. I oppose all the amendments.

The motion of Dr. Pramathanath Banerjea that the Dacca University (Amendment) Bill, 1925, be circulated for the purpose of eliciting opinion thereon before the 30th November, 1925, was put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra
Chakravarti, Mr. Syemkes.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Rey, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. S. N.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Taysbuddin.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Barten, Mr. H.
Basu, Babu Jatindra Nath.
Beg, Khan Bahadur Mirza Shujaat Ali.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. S.
Chaudhuri, Nawab Bahadur Saiyid Nawat Ali, Khan Bahadur.
Chowdhury, Maulvi Fazlal Karim.
Cohan, Mr. D. J.
Corcoran, Mr. S. J.
Das, Babu Charu Chandra.
Daud, Mr. M.
De, Mr. K. C.
Dey, Mr. G. G.
Dosa, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Eddis, Mr. S. E. G.
Emerson, the Hon'ble Mr. T
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hopkyns, Mr. W. S.

Hossain, Khan Bahadur Maulvi Musharrul.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. P. E.
Jannaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. N. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Ray, Mr. S. N.
Ray, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus
Sarkar, Maulvi Allah Bukhsh.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 53 and the Noes 67 the motion was lost.

The motion of Dr. Bidhan Chandra Roy that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Abd-ur-Rahim, Dr. Pramathanath Banerjea, Mr. A. F. Rahman, Sir Provash Chunder Mitter, Babu Bejoy Krishna Bose, Babu Manmatha Nath Roy, Rai Harendranath Chaudhuri, Maulvi Wahed Hossain, Mr. J. H. Lindsay, Dr. Abdulla Suhrawardy, Maulvi Md. Nurul Huq Chaudhury, Mr. Kiran Sankar Roy, Mr. Syed M. Masih, Mr. E. F. Oaten and Dr. Bidhan Chandra Roy, five to form a quorum, with instructions to submit their report before the 15th November, 1925, for presentation to the Council, was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravarti, Mr. Byomkes.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Sereda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Teraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Quader, Maulvi Abdul.
Rarkat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Haliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Ali, Mr. Altaf.
Band, Mr. R. H.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Beg, Khan Bahadur Mirza Shujaat Ali.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chowdhury, Maulvi Fazlal Karim.
Cohen, Mr. D J.
Corsoran, Mr. B. J.
Das, Babu Charu Chandra.
Daud, Mr. M.
De, Mr. K. C.
Dey, Mr. G. G.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Eddis, Mr. B. E. G.
Emerson, the Hon'ble Mr. T
Faroqui, Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kehaunieh Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Snaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 52 and the Noes 67 the motion was lost

The following amendments were called but not moved :—

Babu NALINIRANJAN SARKER to move, by way of amendment to motion No. 26, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Abd-ur-Rahim, Mr. Akhil Chandra Datta, Mr. F. E. James, Mr. A. F. Rahman, Dr. Bidhan Chandra Roy, Mr. Kiran Sankar Roy, Sir Provash Chunder Mitter, Mr. Syed M. Masih, Maulvi Abdur Raschid Khan, Maulvi Kader Baksh, four to form a quorum, with instructions to submit their report for presentation to the Council as soon as possible.

Maulvi MD. NURUL HUQ CHAUDHURY to move, by way of amendment to motion No. 26, that the Bill be referred to a Select Committee consisting of the Hon'ble Sir Abd-ur-Rahim, Mr. E. F. Oaten, Dr. Bidhan Chandra Roy, Babu Manmatha Nath Roy, Dr. Pramathanath Banerjea, Khan Bahadur Kazi Zahirul Huq, Maulvi Abdur Raschid Khan, Mr. Prasanna Deb Raikat and Maulvi Md. Nurul Huq Chaudhury.

Clause 1.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The following motions were called but not moved :—

Rai HARENDRANATH CHAUDHURI, MAULVI MD. NURUL HUQ CHAUDHURY and Babu SATYA KISHORE BANERJEE to move that in clause 2, in the proposed section 47A, line 3, for the words "five and a half lakhs" the words "three lakhs" be substituted.

KHAJE NAZIMUDDIN to move that in clause 2, in the proposed section 47A, line 3, for the words "five and a half lakhs", the words "four and a half lakhs" be substituded.

Rai HARENDRANATH CHAUDHURI to move that in clause 2, at the end of the proposed section 47A, the following be added, namely :— "for five years from the date when the Dacca University (Amendment) Act, 1925, comes into force".

The motion that clause 2 stand part of the Bill was then put and agreed to.

Mr. PRESIDENT: The question is that Preamble stand part of the Bill

The following amendment was, by leave of the Council, withdrawn :—

Rai HARENDRANATH CHAUDHURI to move, that at the end of the Preamble the following be added, namely :—

"for five years from the date when this Act comes into force".

The motion that the Preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir ABD-UR-RAHIM: I move that the Bill, as introduced in Council, be passed.

The motion was put and agreed to.

The Bengal Local Self-Government (Amendment) Bill, 1925.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I beg to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

(The Secretary then read the short title of the Bill.)

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: *I beg to move that the Bill be taken into consideration.*

Rai HARENDRANATH CHAUDHURI: I beg to move, by way of amendment to the motion of the Hon'ble Maharaja Bahadur of Nadia, that the Bill be circulated for the purpose of eliciting opinion thereon before the next session of the Bengal Legislative Council.

The Bengal Local Self-Government Amendment Bill proposes to make two very important changes in the qualifications of voters and of the members of the local self-governing bodies in areas which have not as yet come under the Bengal Village Self-Government Act. The first of these changes proposes to restrict the franchise, and the second, insisting on a special residential qualification in the future members of the local and the district boards, aims at excluding the intelligentsia from the bigger bodies. That I am not in the least exaggerating the import and significance of the proposed amendment, will be evident on a close examination of the proposed alterations in the existing Act.

Let me take up the first point, *viz.*, the restriction of the franchise. The third clause of the Bill, *i.e.*, the new section 9, which is going to be substituted for the section 9 of the present Act, excludes such persons as are qualified under clause 2(*b*) and (*c*) and clause 3 of the proviso to the present section.

[At this stage, the Hon'ble the President left the Chamber and the Deputy President took the Chair.]

Persons paying license tax in respect of a trade and educated members belonging to joint families will have to vote under the proposed law. Both industry and education are therefore to be ignored in rural areas and will not henceforth carry along with them the right to vote—a right which industry and education certainly deserve. The new section has no doubt been taken *verbatim* from section 7(*d*) of Act V of 1919, but an error or omission in the Village Self-Government Act of 1919 can be no justification for making the same error and omission in an amending Act in 1925.

But nowhere the policy of practically excluding the intelligentsia or the educated middle-class from the precincts of the local and even the district boards is so manifest as in the proposed new section 13, which lays down the qualifications of members of local boards, and taken with the proposed proviso in clause 2, prescribes also the qualifications for election as members of district boards. The existing Act simply provides that no person shall be elected a member of a district board unless he be qualified for election as a member of the local board under the provisions of section 13 and section 13 of the existing Act does not insist that he must ordinarily reside within the limit of the local board. A person, therefore, who belongs to a rural area and yet

happens to live ordinarily in a municipal town can aspire to be a member of a local or district board, but the amending Bill before the House proposes that every future member of a local or district board will have to reside ordinarily in the rural area. This is indeed a new departure and the effect of such a provision will be to exclude practically the whole of the educated middle-class who have ordinarily to reside in district head-quarters or subdivisional towns, in other words those persons who reside in municipal areas to follow their professions and earn their livelihood, will be excluded from the membership of the local and district boards. As the questions involved in the proposed amendment are of far-reaching consequences, I propose that the public should be taken into confidence, and that the Bill should be enacted only after due circulation and taking the opinions of the local bodies concerned.

Babu BEJOY KRISHNA BOSE: Before moving the amendment, which stands against my name, I desire to ask your permission to make certain changes in the amendment, and these changes are, I understand, acceptable to the Hon'ble Member-in-charge.

Mr Deputy PRESIDENT: Would you please read out your amendment containing the proposed changes.

Babu BEJOY KRISHNA BOSE: I beg to move, by way of amendment to motion of the Hon'ble Maharaja Bahadur of Nadia, that the Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. W. Goode, Rai Abinash Chandra Banerjee Bahadur, Babu Abanish Chandra Ray, Babu Boroda Prosad Dey, Babu Bejoy Krishna Bose, Rai Harendranath Chaudhuri, Raja Maniloll Singh Roy, Mr. B. N. Sasmal, Rai Satyendra Nath Roy Chaudhuri Bahadur, Maulvi Abdur Raschid Khan, Maulvi Kader Baksh, Maulvi Mahi Uddin Khan, Khan Bahadur Maulvi Musharruf Hossain and Maulvi Abdul Gafur, five to form a quorum, with instructions to submit their report for circulation by the 30th November, 1925.

There being no objection to the proposed change, Mr. Deputy President allowed Babu Bejoy Krishna Bose to move his motion in its amended form.

Babu BEJOY KRISHNA BOSE: I beg to move the motion which I have already read out.

After the speech of Rai Harendranath Chaudhuri I do not like to take up the time of the House by inflicting a speech. Undoubtedly, in one respect, the franchise is a bit enlarged. People who are paying Re. 1 in road-cess and chowkidari taxes are made voters.

But on the other hand the property qualification and the educational qualification are done away with and the residential qualification, I think, will be a bit oppressive. It is, therefore, necessary to compare

this Bill with the existing franchise of the local boards, district boards and even of this Council. It would be impossible to consider all these things in this House at the present moment. It will require some labour and I therefore hope you will agree with me that the Bill should be referred to a Select Committee.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: My object in moving for taking the Bill into consideration was that there is some urgency about the matter and we wanted the Bill to be passed as early as possible.

The reason for the urgency of the matter is that the next Electoral Rolls for the Legislative Council will come under preparation in December and it is proposed to prepare a combined roll showing the different local bodies for which Legislative Council electors are qualified to vote. Preparation of a combined roll of this kind will be simplified if we secure uniformity in the local board and union board franchise in the manner proposed in the Bill.

I find, however, that there is a considerable body of opinion in favour of the Bill being referred to a Select Committee. I am quite willing to meet the wishes of the Council and shall be glad to accept the motion of my friend Babu Bejoy Krishna Bose for the Select Committee.

Rai HARENDRANATH CHAUDHURI: In view of what has fallen from the Hon'ble Member-in-charge I beg to withdraw my motion.

The motion of Rai Harendranath Chaudhuri was then, by leave of the Council, withdrawn.

Mr. B. N. SASMAL: In view of what has been said I beg to withdraw my motion.

The following motion was then, by leave of the Council, withdrawn:—

Mr. B. N. SASMAL to move, by way of amendment to motion of the Hon'ble Maharaja Bahadur of Nadia, that the Bill be referred to a Select Committee consisting of the Hon'ble the Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. W. Goode, Mr. B. Chakravarti, Mr. J. M. Sen Gupta, Mr. N. C. Sen, Mr. M. Daud, Dr. J. M. Das Gupta, Babu Naliniranjan Sarker and Mr. B. N. Sasmal, five to form a quorum, with instructions to submit their report for presentation to the Council as soon as possible.

Mr. Deputy PRESIDENT: The question is that the Bill be referred to a Select Committee consisting of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, Mr. S. W. Goode, Rai Abinash Chandra Banerjee Bahadur, Babu Abanish Chandra Ray, Babu Boroda

Prosad Dey, Babu Bejoy Krishna Bose, Rai Harendranath Chaudhuri, Raja Moniloll Singh Roy, Mr. B. N. Sasmal, Rai Satyendra Nath Roy Chaudhuri Bahadur, Maulvi Abdur Raschid Khan, Maulvi Kader Baksh, Maulvi Mahi Uddin Khan, Khan Bahadur Maulvi Musharruf Hossain and Maulvi Abdul Gafur, five to form a quorum, with instructions to submit their report for circulation by the 30th November, 1925.

The motion was put and agreed to.

Supplementary Budget of the Government of Bengal for the year 1925-26.

Demands for grants.

8—Forests.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY BAHADUR of Nadia: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 14,300 be granted for expenditure under the head "8—Forests".

Mr. DEPUTY PRESIDENT: His Excellency has allowed only 5 minutes for the debate over this question.

Maulvi MD. NURUL HUQ CHAUDHURY: I move that the demand of Rs. 14,300 under the head "8—Forests" be refused.

Sir, in asking the Council to refuse this demand I say that the country's opinion is at the present moment against the Forest Department. I sent in a series of questions to the Hon'ble Member-in-charge for an answer as to whether the value of passes for cutting bamboos and collecting woods from the Chittagong Reserved Forest have been increased or not and whether their prices have been doubled or not. I also asked whether the attention of the Government had been drawn to a report published in the daily *Jyoti* of Chittagong. But the reply I received from the Legislative Department was that such a thing could not be verified hence no reply could be given. Therefore the questions were disallowed. Sir, at least in my part of the country there is a growing feeling that the Forest Department is one of the most oppressing department under the Government and the public are not deriving any advantage whatsoever from that department. Therefore, I oppose this grant.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: If the mover had cared to read the explanation given at the foot of page 2 of the printed supplementary demands he would have noticed that the charges for which this demand provides will be recouped from the revenues of the forest. A glance at this appendix

will reveal that the Maulvi Saheb has been, for some mysterious reason of his own, a bit indulgent towards my Hon'ble colleague Sir Hugh Stephenson, and has thought fit to allow him only to spend Rs. 14,000 out of the total supplementary demands of Rs. 12,69,648 made by Government to the exclusion of all other demands. It must, therefore, be presumed that this motion for refusal is simply due to the mover's general principle of refusing all demands. Government, on the request of more than two-thirds of the proprietors of the Attiah forest in Dacca and Mymensingh districts, have undertaken the management of the forest under the provisions of section 38 of the Indian Forest Act. They, therefore, now have a statutory duty to carry on the management of the forest. The entire cost will be the first charge on the revenues of the forest, and there will ultimately be no expenditure from Provincial Revenues. As, however, owing to financial rules the expenditure must be provided in the budget estimates before it can be incurred, this demand has been made. There will be corresponding increase on the receipt side. I oppose the motion on these grounds.

Maulvi Md. Nurul Huq Chaudhury's motion was then put and lost.

The motion that a sum of Rs. 14,300 be granted for expenditure under the head "8—Forests" was then put and agreed to.

9—Registration.

The Hon'ble Sir ABD-UR-RAHIM: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 2,000 be granted for expenditure under the head "9—Registration".

Maulvi MD. NURUL HUQ CHAUDHURY: I move that the demand of Rs. 2,000 under the head "9—Registration" be refused.

The motion of Maulvi Md. Nurul Huq Chaudhury was then put and lost.

The motion that a sum of Rs. 2,000 be granted for expenditure under the head "9—Registration" was then put and agreed to.

15—Irrigation—Other revenue expenditure financed from ordinary revenue.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: On the recommendation of His Excellency the Governor, I

move that a sum of Rs. 50,000 be granted for expenditure under the head " 15—Irrigation—Other revenue expenditure financed from ordinary revenue ".

SHAH SYED EMDADUL HAQ moved that the demand of Rs. 25,000 under the head " 25—Irrigation—Other revenue expenditure financed from ordinary revenue—Filling breaches in embankments in the Ghatal subdivision " be refused.

He also moved as an alternative that the demand of Rs. 25,000 under the head " 15—Irrigation—Other revenure expenditure financed from ordinary revenue—Filling breaches in embankments in the Ghatal subdivision " be reduced by Rs. 5,000.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I am amused to find that my friend the Shah Saheb has not been able to make up his mind whether to refuse the demand totally or to reduce it by Rs. 5,000 only. I think if I explain the position he will be satisfied that the demand I am making is necessary. The position is this—

The voted grant under the head " 15B " for maintenance and repairs is Rs. 2,26,000, which includes an item of Rs. 45,000 for closing breaches in the Ghatal subdivision, caused by the large flood of 1922, and which has been fully spent during the past working season. Other breaches remain to be filled for the protection of Ghatal town and the areas enclosed by the Mohonkhali and Sheikhpur Circuit embankments: therefore an additional Rs. 25,000 is asked for to be spent in the next cold weather. Unless this class of work is taken up immediately earth is available after the monsoon the working season is too short to complete the filling of the breaches before the following year's floods and the work done is washed away. I hope the Shah Saheb is now satisfied that this demand is necessary and will withdraw the motions.

The motions of Shah Syed Emdadul Haq were then, by leave of the Council, withdrawn.

Rai HARENDRANATH CHAUDHURI: I move that the demand of Rs. 25,000 for widening the Buxi khal by dredging, under the head " 15B—Navigation, Embankment, etc." be refused.

Before I proceed to state the grounds on which I propose to refuse this demand I would request every one present here to kindly read the printed remarks under this demand. They are as follows:—

The present allotment for the work is Rs. 1,09,000: Rs. 2,09,000 was the sum entered in the preliminary forecast of the department. In order, however, to make money available for the sluices and locks on the Lower Kumar river in the Faridpur district Rs. 1,00,000 was deducted from the Buxi khal demand. At

that time it was expected that the *Cowley* dredger would not complete the dredging of the Hoorhoora khal till late in the year and would then come into Calcutta for repairs, in which case Rs. 1,09,000 would have sufficed. The work on the Hoorhoora will, however, be completed in a few weeks' time, as the length to be dredged has been curtailed, and it is expected that there will be saving on the work which can be transferred to the Buxi khal. Certain modificiations have also been made in regard to the dredging of the Buxi khal, which will lead to a saving in the quantity to be dredged, and it is probable that Rs. 1,50,000 will suffice. If, therefore, an additional grant of Rs. 25,000 is given making the revised grant Rs. 1,34,000, the balance can be met from the Hoorhoora khal and other savings.

It comes to this: that the Buxi khal scheme requires Rs. 1,50,000. Government in their principal budget got a demand for Rs. 1,09,000 sanctioned for that scheme, *i.e.*, they want Rs. 25,000 *plus* Rs. 16,000 more for this scheme and they expect to have Rs. 16,000 from the Hoorhoora khal surplus. Therefore all that they require is Rs. 1,50,000 *minus* Rs. 1,25,000, that is nearly Rs. 25,000. Now, if I can show that Government can manage this expenditure out of another surplus in their Irrigation Budget, I hope the Council will be pleased to refuse this demand. Now, Sir, one thing is apparent from these remarks, *viz.*, that the *Cowley* dredger is not going to be docked for repairs just now. It will be employed in the Buxi khal. Now let us see what was the provision made for the repairs of the *Cowley* dredger. Of course, that is not mentioned anywhere in the principal budget but I got certain figures from Mr. Addams-Williams himself as regards the details of expenditure under head "XIII". In the principal budget they provided Rs. 8,16,000 for maintenance and repairs. Of this Rs. 50,000 was earmarked for the repairs of the dredger *Cowley*. My point is this: If the *Cowley* dredger is not docked for repairs now and if its repairs can wait till the end of this financial year, Government will have saved Rs. 50,000 on that account and it will be seen, as I have said, Government can manage this expenditure of Rs. 25,000 out of this provision of Rs. 50,000. I do not know what reply Mr. Addams-Williams is going to give to this motion but probably he will say—and that is my anticipation—that the sum of Rs. 50,000 will be required for additional expenditure on account of repairs to dredgers *Foyers* and *Alexandra*, but let me point it out to the Council that Government budgeted Rs. 1,35,000 in their principal budget for repairs to these dredgers. Mr. Addams-Williams I think cannot fairly say now that this Rs. 50,000 budgeted for *Cowley* will be diverted for the repairs of *Foyers* and *Alexandra*. If that be the real case, the proper way for Government will be to come before the Council for additional supplementary grants for the repairs of *Foyers* and *Alexandra*. If Government do not propose to go in that way, it will be quite fair on our part to suggest that that money should be diverted for further work in connection with the Buxi khal scheme. I think I have made a satisfactory case for the refusal of this demand.

SHAH SYED EMDADUL HAQ moved that the demand of Rs. 25,000 under the head " 15—Irrigation—Other revenue expenditure financed from ordinary revenue—Widening the Buxi khal by dredging " (page 6, Estimates) be reduced by Rs. 5,000.

Mr. B. N. SASMAL: Just now another sum of Rs. 25,000 has been voted by this Council for repairing the breaches in the embankments in the Ghatal subdivision. For the information of those who do not know the place, I may say that the Buxi khal is almost opposite the breaches in the embankments in the Ghatal subdivision, and immediately you excavate the Buxi khal larger quantity of water will flow in to the other side and there will be more breaches in the next year or in the year after. For this reason I have been opposing this scheme for more than a year and I hope the Council will refuse this demand.

Dr. BIDHAN CHANDRA ROY: I wish to ask one question that has arisen from what Rai Harendranath Chaudhuri has suggested with regard to the allotment made for the repairs of the two dredgers. How much of that money has been spent up to date and what figures Government has in its possession to show that it will require another Rs. 50,000 for the purpose of repairing the dredgers?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Sir, the sanctioned voted grant for the current year under " 15B—Works " is Rs. 4,51,000 and contains an item of Rs. 1,09,000 for widening the Buxi khal in the Howrah district for the purpose of relieving flooding caused by the Damodar and other rivers in this locality. After the large flood of 1913 an enquiry was held to ascertain what remedial measures could be undertaken to release the flood water from a large area lying to the north of the Buxi embankment into the Rupnarain: the congestion caused by zemindari embankments was very great and it was found that the embankments on the Buxi khal, one of the principal outlets, obstructed the floods and prevented them reaching the Rupnarain as quickly as they might. The case of the Hoorhoora khal was similar. It was therefore decided to dredge both khals so as to widen and deepen them, but the work of dredging could not be proceeded with until a suitable dredger was available. The *Cowley* dredger was sent to the Hoorhoora khal in January last and it was expected that the dredging of the khal would occupy the dredger up to about the end of the current monsoon, after which she would undergo a thorough overhaul, which would take three months. She would then return to the Rupnarain and dredge the Buxi khal and complete it in the hot weather of 1926. The work on the Hoorhoora has been completed earlier than expected, and the dredger being still in good condition it is not now proposed to thoroughly

overhaul her. Therefore it is intended to complete the Buxi khal at once, the dredger having proceeded there and having completed about half of the work.

A modification has been made, which will considerably reduce the cost and it will be the most economical method to complete the work without a break. If this is not done and the dredger is taken away and subsequently sent back to complete it, there will be a waste of about Rs. 20,000 for steaming her to and fro and she will have to pass under the Kola bridge twice, necessitating considerable delay in lowering and again raising the jib of the terminal pontoon. If the work continues without a break it will be completed by about the end of September.

Now, my friend, Rai Harendranath Chaudhuri has raised some points. First of all his contention is that if the *Cowley* dredger is not to be thoroughly overhauled the provision of Rs. 41,000 under "15B—Maintenance and Repairs" to the *Cowley* is not required for that purpose and therefore is available for meeting the additional grant of Rs. 25,000 asked for for the Buxi khal. This proposal would have been put forward by me except for the following facts: The total grant for repairs to dredgers is as follows:—

	Rs.
Alexandra and *Fayers* and other floating plant ...	95,000
Cowley	41,000
Burdwan	16,000

I have put down Rs. 41,000 for the *Cowley*. My friend said it was Rs. 50,000, but out of Rs. 50,000, Rs. 9,000 has gone to the High Commissioner's budget for spare parts. The *Alexandra* was sent in for repairs last year and would have been completed and fully paid for were it not for the fact that a strike occurred which prevented the repairs being completed within the year. There is an outstanding liability of Rs. 21,000 *plus* Rs. 12,000 for repairs for the current year, a total of Rs. 33,000 to be met this year. The *Fayers* will cost more for a thorough overhaul than expected; Rs. 55,000 was entered but we find Rs. 95,000 is required. The explanation of this is that the *Fayers* was working in the Bidyadhari, which is a mixture of salt water and sewage, and the result is that she is in a very bad state of repairs. These two sums aggregate Rs. 1,28,000 to which has to be added Rs. 6,000 for other floating craft, Rs. 12,000 for the repairs to the *Cowley* for petty repairs while at work and Rs. 7,000 for the *Burdwan* which will be put into commission next January. These sums total Rs. 1,53,000 against Rs. 1,52,000 available; so that there is no surplus from which the Buxi khal dredging can be met.

The motion of Rai Harendranath Chaudhuri was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Dey, Babu Boroda Presad.
Dafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rasshid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Bazar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Neogi, Babu Manmahon.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Taraftdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Beg, Khan Bahadur Mirza Shujaat Ali.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. F. H.
Campbell, Mr. K.
Chartres, Mr. C. S.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chowdhury, Maulvi Fazlal Karim.
Carcoran, Mr. B. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr G. C.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T
Farequi, Khan Bahadur K. G. M.
Ghuznavi Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrul.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. P. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Presad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaja.
Oatrn, Mr. E. F.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Smaith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 47 and the Noes 59, the motion was lost.

The motion of Shah Syed Emdadul Haq was then put and lost.

The time-limit under the head " 15—Irrigation—Other revenue expenditure financed from ordinary revenue " having expired, the following motion was not put:—

Maulvi MD. NURUL HUQ CHAUDHURY: " That the demand of Rs. 50,000 under the head ' 15—Irrigation—Other revenue expenditure financed from ordinary revenue ' (page 6, Estimates) be refused."

The motion that a sum of Rs. 50,000 be granted for expenditure under the head " 15—Irrigation—Other revenue expenditure financed from ordinary revenue was then put and agreed to.

22—General Administration.

The Hon'ble Sir HUGH STEPHENSON: With the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 14,000 be granted for expenditure under the head " 22—General Administration—Band Establishment of His Excellency the Governor ".

A memorandum has been circulated on the subject and I do not propose to take up the time of the Council by making a speech.

Babu KHAGENDRA NATH GANGULY: May I, Sir, in the absence of Babu Manmatha Nath Roy move the amendment that stands in his name?

Mr. Deputy PRESIDENT: Yes, you may.

Babu KHAGENDRA NATH GANGULY: I beg to move that the demand of Rs. 14,000 for expenditure on His Excellency's Band Establishment for the second half of the year be refused. In moving this motion I can only advance very few new arguments. This question of expenditure on His Excellency's Band Establishment was agitated and discussed on the occasion of the last budget grants discussion at considerable length. It is well known that the majority of the elected members of the Council feel very strongly on the subject and this attempt to get this unpopular expenditure passed by the Council is certainly a move in the wrong direction. During the last budget grants a considerable amount from the Band Establishment was reduced by the members of the Council. It is rather too early to come forward again before the Council with a supplementary budget for sanctioning the Band Establishment of His Excellency. Apart from the question that it is an unprofitable, luxurious and superfluous establishment, the fact that this item jars on the sentiments of the property—stricken people of the land, should be considered as sufficient reason for refusal of the grant. The members of the Council should not run

away with the idea that by supporting this motion members would be showing any disrespect to His Excellency, but this is a simple expression on the part of the members intimating their desire to lay the axe of retrenchment at the roots of a superfluous luxury.

The Hon'ble Sir HUGH STEPHENSON: The reason why this supplementary budget has been brought in is because on the last occasion the Council reduced the provision for the Band Establishment from Rs. 80,000 odd to Rs. 40,000; they did not refuse the provision for the Band. The Band, as it has been explained in the memorandum, is an orchestra such as has been maintained since the constitution of the Presidency. It is impossible to maintain that orchestra with the sum provided by the Council on the last occasion. This perhaps was not sufficiently explained to the Council on the last occasion and that is the reason why this supplementary budget has been brought in. We have carefully gone into the question and after every possible pruning we find it is impossible to maintain an orchestra of the kind that has been maintained here (and with provincial pride I may say it is the best in India) at less than Rs. 70,000 a year. If the Council are not prepared to grant this sum His Excellency will dispense with this orchestra and we shall have a very small band, and we shall have to make separate arrangements for all the ceremonial occasions for which the present orchestra is maintained. In that case Rs. 40,000 already granted by the Council bears no relation whatever to the sum that we shall have to spend. We shall have to reorganise and for this Rs. 40,000 possibly would be too much, but we shall have to dispense with the present Band and start a new system entirely. That is the point on which I want the judgment of the Council; that is why the supplementary budget has been brought in. If the present system is maintained and the present orchestra on the present lines has to be maintained it cannot be done at less than that sum. If the Council are not prepared to allow us to maintain the orchestra we shall have to make other arrangements and that is the point we put before the Council.

Dr. H. W. B. MORENO: May I ask the Hon'ble Member a question or two by way of information? May I ask whether it is not possible for Government to engage local bands on ceremonial occasions for His Excellency the Governor? It is a very good principle to patronise some of the local bands and there are some excellent bands in Calcutta.

The Hon'ble Sir HUGH STEPHENSON: As I have said we shall have to reorganise and make entirely different arrangements. I hardly think however, that the Town Band for instance would be a suitable band for a ceremonial occasion like the Durbar.

The motion of Babu Khagendra Nath Ganguly was then put and a division taken with the following result.—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zanneer.
Sagehi, Babu Remee Chandra.
Sakah, Maulvi Kader.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Neogi, Babu Manmohen.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Dr. Sidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sasmal, Mr. B. N.
Sen, Mr. N. C.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Bartan, Mr. H.
Basu, Babu Jatindra Nath.
Beg, Khan Bahadur Mirza Shujaat Ali.
Best, the Hon'ble S. J.
Birley, Mr. L.
Campbell, Mr. K.
Chartres, Mr. C. S.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Corsoran, Mr. S. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. S.
Dess, Rai Bahadur Pyari Lal.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T.
Farequi, Khan Bahadur K. S. M.
Ghurnavi Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musherruf.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. P. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Morene, Dr. H. W. B.
Nandy, Maharaj Kumar Srie Chandra.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Smaith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 44, and the Noes 55, the motion was lost.

The motion that a sum of Rs. 14,000 be granted for expenditure under the head "22—General Administration—Band Establishment of His Excellency the Governor" was then put and agreed to.

24—Administration of Justice.

The Hon'ble Sir ABD-UR-RAHIM: With the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,575 be granted for expenditure under the head "24—Administration of Justice".

Rai HARENDRANATH CHAUDHURI: I beg to move that the demand of Rs. 630 for the appointment of a stenographer for the District Judge of Burdwan under the read "24—Administration of Justice" (page 8, Estimates) be refused.

I cannot understand, Sir, why 2 only of the District Judges are going to be provided with stenographers. There are 26 districts in Bengal and I do not see why other Judges than these two should not be provided with stenographers. Moreover, there are no more hard-worked officers in the Judicial service than the Subordinate Judges, why they are not to be provided with stenographers? I think the best thing for Government will be to come up with a more comprehensive scheme and a bigger demand providing for stenographers for all District Judges and all Subordinate Judges and, if possible, for all Munsifs. Unless Government proposes to do that I think it is no use coming up with such a budget which only provides 2 Judges with stenographers. After all, we cannot understand what is really the policy underlying the Supplementary Budgets. Supplementary Budgets in all legislatures are brought forward to make up for deficiencies and provide for emergencies. Here, in this country, we see that in the Supplementary Budgets all sorts of things are provided for, probably because it is thought easier to exploit the weakness of the opposition at such a time as this.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: The appointment of two stenographers for the District Judges of Burdwan and Dinajpur seem to me unnecessary and pure luxury. The offices of these two Judges are going on smoothly ever since they were created without any stenographer. There are several typists in both these offices and I think a separate stenographer for the District Judge is not at all required. If it is to write out judgments and charges to the jurors on dictation, the practice is more to be discontinued in such cases than encouraged. These two posts are not always filled up with senior Judges and the Junior members of the service, in my opinion, should not attempt in this direction.

If we now sanction 2 stenographers for 2 Judges, ultimately we shall have to sanction stenographers for all Judges in Bengal and we can well imagine the total amount of this new expenditure under this head. When we are crying for economy and retrenchments should we indulge in this manner. With these remarks, I beg to support the motion of Rai Harendranath Chaudhuri, as it is identical with mine.

The Hon'ble Sir ABD-UR-RAHIM: Rai Harendranath Chaudhuri's objection is that we are providing stenographers only for 2 or 3 District Judges, and he thinks that we ought to have come up with a more comprehensive scheme for supplying all District Judges, all Subordinate Judges and Munsifs as well, with stenographers. I must inform the hon'ble member that we are not supplying stenographers to only 2 or 3 District Judges but we have supplied stenographers to 20 District Judges and if these 2 posts are sanctioned, there will be only 2 or 3 more District Judges left without stenographers.

As regards Subordinate Judges being provided with stenographers, I think the time may come when there will be a demand on their part for stenographers and we shall probably have to supply them with stenographers. After all, it is a move in the direction of economy, because, if District Judges dictate their judgments and their charges to the jury to stenographers, it saves a considerable portion of their time.

As regards the Supplementary Budget, generally I may explain that as we had a surplus amount, instead of keeping it idle in our hands, we thought it proper to utilize for the benefit of the province.

The motion of Rai Harendranath Chaudhuri was then put and lost.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur formally moved that the demand of Rs. 630 for the appointment of a stenographer for the District Judge of Dinajpur under the head "24—Administration of Justice" (page 10, Estimates) be refused.

Rai HARENDRANATH CHAUDHURI and SHAH SYED EMDADUL HAQ formally supported this motion.

Mr. A. C. BANERJEE: Sir, we have heard the explanation offered by the Hon'ble Member in charge as to why stenographers are provided for District Judges. We are told that it is really a move in the direction of economy, because, it saves the time of District Judges of writing out their judgments. I may submit, Sir, that sort of work is generally done at home by a District Judge. In the case of a charge to the jury the Judge usually notes down the heads and reads out his charge to the jury, and no District Judge has ever up till recently complained that a stenographer is necessary for expeditious work. I do not know whether this point was raised before the Lee's

Commission, and I do not know whether the Lee's Commission has made a recommendation on this point—but it is a pity that such an important point of economy was not raised before the Commission. Surely the Hon'ble Member might have sent, through the proper channel, this suggestion on behalf of the poor, hard-worked Civilian District Judges.

As for Subordinate Judges and Munsifs being supplied with stenographers, the Hon'ble Member says that when the proper time comes and if they ask for them, they will probably have them. I may mention that these poor Subordinate Judges have to work from 11 till 5-30 P.M., with sometimes a 10 minutes interval for tiffin, and District Judges do not usually come to court punctually at 11 except when there is a sessions trial, but they punctually rise at 4-30 P.M. We are very glad to have the assurance that these poor Subordinate Judges may get the services of stenographers some day. The poor District Judges are so badly and so sadly paid that their claims must be given first and foremost place for our consideration. A more ridiculous apology and a more preposterous proposition I have not heard before in this Council.

Dr. PRAMATHANATH BANERJEA: I oppose this demand on a question of principle. Sir Abd-ur-Rahim says that Government have a surplus and they are spending it in this way. But how has that surplus been obtained? It has been obtained partly by the remission by the Government of India of our provincial contribution of 63 lakhs and partly by extra taxation. It should be remembered by every member of this Council that extra taxation has had to be levied, from the proceeds of which it is expected to derive 10 lakhs during the current year. Now is the hard-earned money of the people to be frittered away in this way? I do not think that the Government is right in spending this money for appointing stenographers for District Judges and similar other purposes. This money should have been earmarked for the Departments of Education, Medical Relief and Public Health. But, unfortunately, the Government has brought forward proposals like these for spending the surplus so that they may be able to say afterwards that no money is available for the nation-building departments.

Babu AMULYA DHONE ADDY: I oppose this amendment. An objection has been raised to the appointment of stenographers for the District Judges of Burdwan and Dinajpur. Sir, as far as I know, most of the District Judges have already been provided with stenographers and in the present instance stenographers are going to be appointed for two District Judges. It may be said that the Subordinate Judges are not provided with stenographers as in the case of the District Judges. I beg to submit that not only the District Judges but also the Subordinate Judges should be provided with stenographers. There is

no reason why we should oppose this. What I would request the mover of the amendment is to ask for a supplementary grant so that all the Subordinate Judges may be provided with stenographers. It would not only save time of the Judges but would also facilitate the speedy disposal of their cases.

Mr. B. N. SASMAL: I would suggest to the House that the Hon'ble Member in charge of this subject be requested to bring a supplementary budget for the appointment of stenographers to all the members of this House.

The Hon'ble Sir ABD-UR-RAHIM: Sir, it is very difficult to know what Mr. Banerjee means. The Lee Commission had nothing to do with the matter. Perhaps he has heard of the Civil Justices Committee. That Committee strongly recommended that whenever there is a demand for stenographers, stenographers should be supplied. There are Judges who would rather write their judgments than dictate them. It is only for those who prefer to dictate their judgments that stenographers are appointed. Whenever any Judge asks for a stenographer, we try to provide him with one if we can. The Subordinate Judges, as far as I know, have not yet asked for stenographers. If any such application is received, we shall certainly consider it.

The motion of Rai Satyendra Nath Roy Chaudhuri Bahadur was then put and lost.

The time-limit under the head "24—Administration of Justice" having expired, the following motion was not put:—

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 1,575 under the head '24—Administration of Justice' (page 10, Estimates) be refused."

The motion that a sum of Rs. 1,575 be granted for expenditure under the head "24—Administration of Justice" was then put and agreed to.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

25—JAILS AND CONVICT SETTLEMENTS.

The Hon'ble Sir HUGH STEPHENSON: On the recommendation of His Excellency the Governor, I move that a sum of Rs. 50,000 be granted for expenditure under the head "25—Jails and Convict Settlements".

Sir, perhaps it would be better if I make a speech now as I may not be able to make it later. In the first place I should like to touch upon Rai Harendranath Chaudhuri's point about the Supplementary

Budget. In introducing the Jail Budget in March last, I told the House that there was this demand which I considered to be just but I could not bring it forward then because the Government of India had not at that time decided about remitting our provincial contribution and therefore it was impossible for this Government to bring forward any scheme entailing recurring expenditure. We are now in a position to bring forward certain schemes which were being held up. For the last 2 or 3 years we have been prevented from bringing forward new schemes in the budgets because we were uncertain about our financial position. At a later stage in the year the position was clearer and we could bring forward proposals for new expenditure. That is the reason for these supplementary demands.

This demand represents a very long overdue measure of relief to a very deserving set of men and it is based on the Jail Commission's Report. The Jail Commission pointed out that if you are going to improve the administration of jail, if you are going to have your prisoners treated better and to have them under more humane condition, the first thing is to have a reliable and educated jail service. In order to do that you must pay them a decent wage. That is the Jail Committee's recommendation. And the actual wages we are proposing to pay are based entirely upon the Jail Commission's Report. The Commission pointed out that a jailor is in a position of extreme responsibility and power and it is monstrous to put a man in that position unless he is a man on whom you can rely and if he is a man of education and character you must pay him a decent wage. The recommendations were accepted by this Government two years ago but we have been unable to put them before the Council hitherto because, as I have explained, we were not in a position to bring forward any scheme entailing recurring expenditure. I trust therefore that the Council will not deprive the jailors of the very small increase in pay which they have been looking forward to for the last two years.

Maulvi ZANNOOR AHMED: I beg to move that the demand of Rs. 50,000 under the head "25—Jails and Convict Settlements—Improvement of pay and prospects of Jailors and Assistant Jailors" be refused.

A Jail Committee was appointed to investigate the whole subject of jail administration and to suggest improvement in the light of the experience of the West. The Committee submitted 584 recommendations. The Committee recommended the desirability of concentrating prisoners in central jails and the conversion of district jails into sub-jails. There are 23 district jails in Bengal, 12 in Bihar and 5 in Madras. May I enquire what steps have been taken by the Bengal Government for carrying out the recommendations of the Jail Committee for closing district jails? I understand only 2 district jails have been abolished but in Bihar 6 district jails have been abolished. If you want to introduce the system

recommended by the Jail Committee, then our first duty will be to decide what reduction can be made in the number of district jails. If it is impossible to carry these proposals, then I am strongly of opinion that the present scheme is premature. You cannot keep two costly establishments, *viz.*, preservation of district jail system in every district as well as introduction of a new scheme which is meant only for first class district jails. In Bengal the majority of jails are either third or fourth class district jails. There is not sufficient work for the appointment of both deputy jailor and clerk in each district jail. The work can easily be carried on by one officer. In the central jail there are two departments—executive and manufacturing departments. At present there are no clerks in the executive department of the central jail and in the district jail. Formerly jailors were recruited from clerks and Dr. Lethbridge abolished that system and introduced the system of recruitment of assistant jailor direct and the pay of the assistant jailor was Rs. 40 to Rs. 50, with an annual increment of Re. 1 and the pay of the jailor was Rs. 75 and upwards. This rate of pay continued for several years. In the year 1909 or so owing to the representation of the officers, Colonel Buchanan (one of the members of the Jail Committee), then Inspector-General of Prisons, created 4 grades of assistant jailors on Rs. 50, 55, 60 and 65 and the jailors Rs. 100 and upwards. He also introduced two clerks in each central jail, one on Rs. 50 and the other on Rs. 30. He also placed 5 third class district jails under jailors which had been under the charge of the senior assistant jailor. In 1912, after the removal of the partition of Bengal, the pay was again revised as there were different scales of pay in the Eastern Bengal jail. In July 1920 Colonel Thomson abolished the clerical system from the executive branch of the jail and introduced the present scale of pay for the assistant jailors and jailors. Thus within 15 years the pay of the officers of the Jail Department has been thrice considered, revised and increased. I find there is no necessity of increasing the present scale of pay which was introduced only five years ago. The proposed scheme is even higher than what the Jail Committee recommended. Recommendations of the Committee are that the pay of the deputy jailors should be on Rs. 75 rising to Rs. 100 and the other on Rs. 100 rising to Rs. 150. The proposed scale of pay is even higher than the corresponding officers in Revenue, Police, Education, Excise and Registration Departments. The minimum pay of sub-inspector of police is Rs. 80. The minimum pay of sub-registrar is Rs. 60. The minimum pay of assistant teacher and sub-inspector of schools is Rs. 75. In Bihar the minimum pay of the assistant jailor is Rs. 60. The proposed pay of jailor is even higher than the pay of even the inspector of police, assistant head master, subdivisional inspector of schools, inspector of excise and even higher than sub-deputy Magistrate. In Bihar the minimum pay of jailor is Rs. 125. I do not find any necessity of increasing the pay to such an extent. In 1909 the pay of the jailor was Rs. 75. If the proposed scheme be carried into effect there will

be much discontent in other departments of the Government. I hear the Police Department has already started an agitation. Similar movement is on foot among the sub-registrars. I am afraid the heads of the other departments will soon be flooded with representations from the officers for the increment of pay. The proposed scheme will not only create a stir in other departments but even in the Jail Department itself the members of the service view with great consternation the renewal of clerical system in jails. The Inspector-General of Prisons of different provinces in a conference in March 1923 at Delhi debated this point among them. The majority of them was of opinion that a combined system of clerical and executive staff of the jails as at present was better than a separate system. The proposed scheme will benefit only a few of the staff while the majority being converted into clerks will suffer in their pay and prospect. Those of the present assistant jailors who will have the misfortune of being relegated to the cadre of clerks for absolutely no fault of theirs will get a much smaller pay than their fortunate compeers. On what principle the selections will be made; if it be according to merit, but merit according to official vocabulary is something different from what we understand, if it be according to seniority as most of the senior assistant jailors are matriculates then the junior officers will be converted to clerks. But junior officers are all graduates. If owing to this new scheme of separation the junior officers who are more educated be relegated to clerks then that will be quite contrary to the recommendations of the Jail Committee. The officers have already submitted representation to the Government to that effect.

The Jail Committee recommended to reserve certain posts of Superintendent of District Jail for deserving members of the jailor's grade. May I enquire what steps have been taken by the Government to carry out these recommendations.

It is admitted by modern authorities that the aim of the prison administration should further be to effect such a reformation in the character of criminal as will fit him again to take his place in society and to become useful citizens. May I enquire what steps have been taken by the Government to carry out the recommendations.

It is proposed to grant duty allowance for two jailors. Presumably this allowance is meant for two European jailors of Presidency and Alipore jails. I cannot understand why only the European jailors will get duty allowance.

The Hon'ble Sir HUGH STEPHENSON: On a point of order, Sir. The hon'ble member should not say without knowledge, that these allowances are only meant for European jailors.

Maulvi ZANNOOR AHMED: As there are only two allowances and there are only two European jailors my natural inference was this.

There is no distinction in Police between European and Indian Inspectors and it is admitted by modern authorities that the aim of the present administration should be to bring about such a reformation in the character of a criminal as to enable him to take his place in the society. May I enquire what steps have been taken by Government to carry out this part of the recommendation of the Jail Commission. In view of the fact that the above scheme is premature and also costly, I request the Hon'ble Member to withdraw the motion for the present and to reconsider the whole matter. There is no hurry about it. If the Hon'ble Member does not agree to this, I hope the House will refuse the demand.

I also move that the demand of Rs. 50,000 under the head "25—Jails and Convict Settlements—Improvement of pay and prospects of the Jailors and Assistant Jailors" (page 10, Estimates) be reduced by Rs. 25,000.

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur and SHAH SYED EMDADUL HAQ also supported the first motion of Maulvi Zannoor Ahmed which also stands in their names.

The Hon'ble Sir HUGH STEPHENSON: Sir, the objection which Maulvi Zannoor Ahmed takes against this grant, so far as I have been able to make out, is first of all that we have not abolished the district jails. But, Sir, the abolition of the district jails means the building of central jails and that is a matter of very very great expense. I am quite certain that if I came here to-day and asked for Rs. 15 lakhs for two new central jails, the House would not agree to grant the demand. Then, Sir, his second objection was the division between the executive and the clerical staff. This is one of the recommendations of the Jail Commission and the Jail Commission deliberately came to the conclusion that they ought to be separated and recruited separately from each other because a different stamp of men was required for the executive work from that required for the clerical work. The third reason he gives is that this motion is premature because we have not carried out all the recommendations of the Jail Commission. We must go slowly and one of the fundamental recommendations of the Jail Commission is to get an honest and reliable jail staff. Surely, Sir, it is not premature to bring forward a motion for the increased pay recommended four years ago by the Jail Commission as the minimum pay and more or less passed by Government two years ago. The jailors have known for two years that their pay was going to be increased as they have been told of this, although we have not been able to give effect to it for want of funds for new recurring expenditure.

The motion that the demand of Rs. 50,000 under the head "25—Jails and Convict Settlements—Improvement of pay and prospects of the

Jailors and Assistant Jailors "be refused was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Majmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Banerjee, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
Das, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syad Emdadul.
Hoque, Maulvi Sayedul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Neogi, Babu Manmohen.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Saumal, Mr. B. N.
Sen, Mr. N. C.
Tarafdar, Maulvi Rajib Uddin.

NOES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr. L.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Corcoran, Mr. B. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. G.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T
Faroqui, Khan Bahadur K. G. M.
Ghuznavi Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrut.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Moreno, Dr. H. W. B.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Smaith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 40 and the Noes 43 the motion was lost.

The motion that the demand of Rs. 50,000 under the head "25—Jails and Convict Settlements—Improvement of pay and prospects of the Jailors and Assistant Jailors" be reduced by Rs. 25,000 was then put and lost.

The motion that a sum of Rs. 50,000 be granted for expenditure under the head "25—Jails and Convict Settlements" was then put and a division taken with the following result:—

AYES.

Addams-Williams, Mr. C.
Ahmed, Maulvi Tayebuddin.
Alay, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr. L.
Campbell, Mr. K.
Chartres, Mr. C. B.
Chaudhuri, Nawab Bahadur Saiyid Nowab Ali, Khan Bahadur.
Corcoran, Mr. B. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. G.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T
Faroqui, Khan Bahadur K. G. M.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharruf.
Huq, Maulvi A. K. Fazl-ul.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jennaway, Mr. J. N.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Moreno, Dr. H. W. B.
Nazimuddin, Khaje.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Smith, Mr. J. F.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakravorty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Rai Harendranath.
as, Dr. Mohini Mohan.
Datta, Babu Akhil Chandra.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Amanat.
Khen, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Neogi, Babu Manmohon.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Rey, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarker, Babu Naliniranjan.
Saemal, Mr. B. N.
Sen, Mr. N. C.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 43 and the Noes 38 the motion was carried.

Mr. Deputy PRESIDENT: I have it in command from His Excellency the Governor to announce that he has allotted the 20th of August, 1925, for the completion of the official business.

Adjournment.

The Council was then adjourned till 3 P.M., on Monday, the 17th August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 17th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council, and 115 nominated and elected members.

Starred Questions

(to which oral answers were given).

Physical training and military drill in schools and colleges.

***XXXIX. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Department of Education be pleased to state

(*i*) whether it is in the contemplation of the Government to introduce compulsory physical training and military drill in schools and colleges;

(*ii*) whether any steps for this purpose have been taken; and

(*iii*) what steps, if any, are proposed to be taken in the matter in the near future?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*i*) Physical training, including a good deal of semi-military drill, is already compulsory in Government and Government-aided schools. It is a general optional subject in colleges and unaided schools, in which, however, physical training is given to some extent.

(*ii*) A copy of the authorized drill book is laid on the library table, together with two circulars of the Education Department on the subject of physical training. Government maintain a physical adviser, whose duty it is to supervise physical training and drill in schools.

(*iii*) As at present advised, Government are of opinion that the perfection and extension of the present system, which includes optional military training for students, will meet all needs. Government have power only over institutions maintained or aided by themselves. The

matter has been under discussion in Calcutta University. Thei proposals on the subject have been received recently and will be carefully considered.

Mr. A. C. BANERJEE: May I know what sort of physical training is given in the Government and Government-aided schools?

The Hon'ble Sir ABD-UR-RAHIM: The schools provide for drill, the boys are encouraged in all sorts of games and the games are supervised by the Physical Instructor. I think the drill book that is laid on the Library table will give particulars if further particulars are wanted by the hon'ble member.

Mr. A. C. BANERJEE: Is the training given to these students such as will enable them to take care of themselves in a moment of emergency for the purpose of selfdefence?

The Hon'ble Sir ABD-UR-RAHIM: If the hon'ble member wants that they should become soldiers at once, I do not think they will.

Location of excise shops.

***XL. Babu MANMATHA NATH ROY:** Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state

(*i*) whether the Government are considering the desirability of abolishing the liquor and drug shops within the reach of the labourers employed in mines and other industrial centres, and in the vicinity of educational institutions; and

(*ii*) what steps, if any, have been taken in the matter?

MEMBER in charge of DEPARTMENT if AGRICULTURE and INDUSTRIES (the Hon'ble Mr. T. Emerson): (*i*) Government do not consider it advisable to abolish the liquor and drug shops within the reach of labourers in mines and other industrial areas. Excise shops are not located in the vicinity of educational institutions.

(*ii*) The sites of all excise shops are considered by local Advisory Committee every year, and sites considered objectionable are changed.

Mr. F. E. JAMES: Arising out of the answer to this question, may I ask the Hon'ble Member whether he will state the reasons why Government do not consider it advisable to abolish the liquor and drug shops within the reach of labourers in mines and other industrial areas?

The Hon'ble Mr. T. EMERSON: I do not think that all the reasons of Government can be contained within the compass of an answer to a question. The policy of Government has been enunciated many times, and I shall be very glad to discuss the matter with the member any time he cares to do so.

Medical School at Hooghly.

***XLI. Babu TARAKNATH MUKERJEA:** (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state how the donation of Rs. 50,000 by Babu Sanat Kumar Mukharji, zamindar, in aid of medical education in Bengal, has been utilized?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing

(*i*) the names of the institutions to which this money has been paid; and

(*ii*) the amount paid to each of the said institutions?

(*c*) Is there any balance of this amount still left at the disposal of the Government?

(*d*) Is the Hon'ble the Member aware that the want of a medical school in Hooghly is felt by the people of that district?

(*e*) Is the Hon'ble the Member also aware that a movement has already been set on foot by the people of the Hooghly district to establish a medical school at Hooghly?

(*f*) Will the Hon'ble the Member be pleased to state whether it is possible to pay the balance of the amount, if any, to the proposed Hooghly Medical School, if it is established soon?

(*g*) Is it a fact that Hooghly is the home district of the donor?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) and (*b*) Rupees 10,000 has been paid to the Mymensingh Medical School and Rs. 20,000 promised towards a medical school at Chittagong. The balance is still available.

(*c*) Yes.

(*d*) and (*e*) Government are aware that attempts are being made by the local people to obtain a school.

(*f*) Government's policy in the matter of a new medical school is stated in the reply to unstarred question No. 7 put at this session by Babu Amulya Dhone Addy, to which a reference is invited. If it were decided in the near future to establish a medical school at

Hooghly, that district might fairly be regarded as having a special claim to the balance of Babu Sanat Kumar Mukharji's donation.

(*g*) Yes.

Muhammadan members of Jessore District Board.

***XLII. Maulvi ABDUL QUADER:** (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of elected and nominated Muhammadan members of the Jessore District Board; and

(*ii*) the total number of elected and nominated members of the said board?

(*b*) Is it a fact that the number of nominated Muhammadan members of the last board was two instead of one, as in the present board?

(*c*) Will the Hon'ble the Member be pleased to state the reason for which the Government nominated one Muhammadan to the district board instead of two as hitherto?

(*d*) Are the Government considering the desirability of giving more nominations to Muhammadans in the case of future nominations to this district board?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) and (*ii*) The District Board of Jessore consists of 30 members, of whom ten are appointed by the Commissioner and 20 elected by the five local boards in the district. The election of members by the Magura Local Board having been set aside by Government under section 120 of the Local Self-Government Act, the Commissioner had to appoint four members to represent that local board. The number of elected and appointed members of the present district board is, therefore, 16 and 14, respectively. Of these, nine are Muhammadans seven being elected and two appointed.

(*b*) As will appear from notification No. 27 L.S.-G., dated the 5th February, 1925, published by the Commissioner of the Presidency Division at page 249 of Part I of the *Calcutta Gazette*, dated the 12th February, 1925, the number of nominated Muhammadan members of the present board is the same (viz., two) as that of the last board.

(*c*) and (*d*) These questions do not arise.

Mr. P. N. GUHA: It appears from the answer that the members of this Board are appointed by the Commissioner. Are these members appointed by the Commissioner or by Government?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The members are appointed by the Commissioner, but the appointments are approved of by Government.

Alleged cocaine traffic in Calcutta.

***XLIII. Dr. KUMUD SANKAR RAY:** (*a*) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the judgment of Mr. Keays, Presidency Magistrate, recently delivered, in which he found that cocaine smugglers are in league with the police, and passed severe strictures?

(*b*) Will the Hon'ble the Member be pleased to state what steps, if any, are being taken to remedy the defects mentioned in that judgment?

(*c*) Are the Government considering the desirability of appointing a committee of enquiry, consisting of members of this Council, to go thoroughly into the matter at an early date?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): The member is referred to the reply to unstarred question No. 73, put at this session by Maulvi Najmuddin Ahmed.

Mr. S. N. HALDAR: Will the Hon'ble Member be pleased to state when Mr. Keays is expected to return from leave?

The Hon'ble Sir HUGH STEPHENSON: Speaking from recollection, I think Mr. Keays has two months' leave from the beginning of August.

Mr. S. N. HALDAR: Can we expect anything before Mr. Keays comes back?

The Hon'ble Sir HUGH STEPHENSON: In reply to a letter from us, Mr. Keays states that he is unable to give any definite reply until he has referred to certain papers, I am afraid I am not in a position to give the member the information he wants.

Unstarred Questions
(answers to which were laid on the table).

Cess revaluation in Hooghly and Howrah.

89. Maulvi ZANNOOR AHMED: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that the cess revaluation operations that are at present going on in the districts of Howrah and Hooghly

are causing dissatisfaction in the districts, on the ground that the cess to be paid in connection with landed property is being increased?

(*b*) Is the Hon'ble the Member aware that in some cases the cesses have been raised five times, ten times and sometimes even higher?

(*c*) Is it a fact that these assessments are being made without any proper enquiry?

(*d*) Is it a fact that the assessment on khas lands of tenure-holders and the zamindars is not being made according to the settled land revenue policy?

(*e*) Is it a fact that the annual value is being computed on the basis of gross produce and not on the money rent which might reasonably be expected to be paid, if they were let out to tenants?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) No complaint has been received. It is reported that the number of objections preferred up to-date is only 5 per cent. of the number of valuations made.

(*b*) It appears that in a very few cases the valuation has been increased by five or ten times on the basis of the returns made by the owners themselves.

(*c*) No.

(*d*) and (*e*) All assessments are being made in accordance with the Cess Act and the rules made under that Act.

Permission to landlords to recover arrears of rent by summary procedure.

90. Maulvi ABDUL QUADER: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the number of landlords who have applied for permission for recovery of arrears of rent by summary procedure under Chapter XIIIA of the Bengal Tenancy Act since 1908;

(*ii*) the number of such landlords whose applications were rejected; and

(*iii*) the reasons for refusing such applications?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a copy of the rules framed by the Government on the subject and the conditions under which such applications are granted?

(*c*) Are the Government considering the desirability of giving facility to the landlords to realize rent by the summary procedure mentioned above?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) The number of applications has been 29, three of which were by one landlord.

(*ii*) Sixteen applications were refused, six were granted. The rest were either dropped by the applicants or are under consideration.

(*iii*) Five applications were refused, because the relations between the landlord and his tenants were not satisfactory; in six cases the applicant did not agree to the conditions proposed to secure the maintenance of the records-of-rights; in one case the applicant sought to have the procedure applied only to one or two selected tenants, and in one case the record-of-rights had not been prepared. The records of the other three cases have been destroyed.

(*b*) Rules have not been framed by Government. The general conditions laid down in sub-section (*i*) of section 158 A are observed, and special conditions adapted to the circumstances of each case are imposed.

(*c*) A clause widening the scope of section 158 A was included in their Bill by the Committee appointed to consider the amendment of the Bengal Tenancy Act. The Bill is being considered by Government.

Alleged cocaine traffic in Calcutta.

91. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the attention of the Government has been drawn to the recent judgment of Mr. Keays in a case under the Excise Act wherein the learned Presidency Magistrate observed that cocaine smugglers who traffic in large quantities in Calcutta generally go undetected?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state what steps the Government have taken to put a stop to this evil?

The Hon'ble Sir HUGH STEPHENSON: The member is referred to the reply to unstarred question No. 73, put at this session by Maulvi Najmuddin Ahmed.

Arrangement of non-official business.

Mr. PRESIDENT: Order, order. His Excellency the Governor has allotted 17th, 18th and 19th August for the business of non-official members. I direct that the first part of to-day be taken up with the disposal of non-official members' Bills and thereafter the Council proceed to deal with resolutions on matters of general public interest.

I would remind hon'ble members that the stage for leave to introduce a Bill, *i.e.*, the first reading of the Bill is more or less a formality.

Therefore, no debate is permissible at this stage and the usual practice is, if the Bill is opposed, to allow a short speech from the member asking for leave, and a short speech from the member opposing the introduction (*see* section 50). In some cases where the Member of the Government in charge of the department, to which a Bill appertains, desires to say anything, he has also been permitted to make a short statement. The attention of the members is also drawn to section 49 of the Rules and Standing Orders which provides that Bills will not be published until after introduction. If, therefore, the member obtains the leave of the Council for the introduction of his Bill, it will be the duty of the Legislative Department to print and circulate it to members and also to publish it in the *Calcutta Gazette*.

Non-official Members' Bills.

The Bengal Local Self-Government (Amendment) Bill, 1925.

Maulvi SAYEDUL HOQUE: I move for leave to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

In this connection I hope the hon'ble members of this House would permit me to request them to give their best and serious consideration to the following points before they decide this way or that regarding the above Bill.

I propose such amendments in the Bill as will lead to the progressive realisation of self-government in this country by gradually investing the local authorities with more and more powers and responsibilities to manage their own affairs.

I understand that the above Bill will be opposed at the time of introduction on the ground that piece Bills ought not to be allowed, because the Government is going to bring a Bill amending the whole local Self-Government Act, 1885. I beg to submit in this connection, firstly, that we cannot be sure of what the Government is going to do in future, secondly, this Bill will not stand in any manner in the way of introduction of any other Bill on the subject, thirdly, we have already allowed a piece Bill on the subject this very session to be introduced and referred to a Select Committee, and fourthly, there is no harm if this be allowed to be introduced.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The Bill which Maulvi Sayedul Hoque wishes to introduce is one of considerable volume, and it attempts in a somewhat cursory manner to make very important changes in the existing law.

I think it is fair criticism to say that this Bill attempts in a very summary way to handle questions of considerable importance which should not be dealt with in a fragmentary Bill of this kind. The Local

Self-Government Act is an old one, and from some time past Government have recognised that new legislation is desirable. We are of opinion that a new amending and consolidating Act is very necessary, and an experienced officer who will be on special duty in the cold weather in connection with local self-government, will be asked to examine the papers and to advise Government as to the lines on which the Bill should be drafted. We shall then be in a position to make over to the Legislative Department a statement of the changes which appear to be necessary, and they will be asked to draft a Bill. I hope that a Bill of this kind will be laid before the House some time in the course of the next year.

I would like to point out that an Act of this kind which lays down the basis for local self-government in Bengal is in my opinion not one which should ordinarily be amended on the motion of a private member—or certainly not to the extent proposed in Maulvi Sayedul Hoque's Bill. Government cannot complain if a private member wishes to remove some anomaly or to rectify some omission in an Act of this kind even though it may be one of the fundamental statutes on which local administration is based, but it does not seem advisable that the whole framework of a statute of this kind should be pulled to pieces in a private Bill.

One criticism which I would make on this Bill is that it goes too far without going deep enough: it would increase the elective element, alter the franchise, reduce the control of the Local Government, and transfer rule-making powers from Government to the district board without any real attempt to examine principles.

It is assumed in this Bill that any increase in the elective element on district and local boards is a popular measure which is bound to do good and so to speak to hasten Swaraj. But it has to be remembered that already a very considerable proportion of the members of local bodies is elective. It was only recently that the elective element of district boards was raised from one-half to two-thirds, and it is not self-evident that any further increase is immediately necessary to secure popular control which already exists. I think this House will agree that there are considerable advantages in having a certain number of nominated members to represent communities which yet have very little influence at the polls and to provide some element of administrative experience or expert knowledge. I do not say that when Government come to amend the Act as a whole, they will not increase the elective proportion: all I mean is that no pressing urgency for the increase of this proportion such as to justify legislation has been shown.

Again, this Bill proposes in non-union board areas to raise the elective element of local boards from two-thirds to four-fifths of the total number of members. I am sure that many members of this House will doubt the expediency of this proposal or at any rate will be of opinion that it deserves the most careful examination. After all, the

number of educated persons in rural areas is still somewhat limited, and it may easily be the case that nominations are necessary to secure seats on the Local Boards for suitable persons who may be unwilling to face an election.

Some provisions of the Bill are surely unnecessary: for instance, it is proposed that all chairmen of district boards should be elected, but this is already the case except in the district of Darjeeling.

Again, the Bill proposes to abolish the control of Government over the district board budget estimates: as a matter of fact the Commissioner's supervision over budgets have already been much curtailed under executive orders of Government, and there seems no great urgency for the change which this Bill proposes.

Again, the Bill proposes to dispense with the control which Government now exercises in case of mal-administration on the part of the district board, but similar powers of control vest in the Ministry of Health in the United Kingdom, although local government in that country has reached a very high pitch both of efficiency and of independence.

But I need not discuss the provisions of the Bill in any more detail. I hope I have said enough to satisfy this House that Government consider it desirable to undertake the amendment and consolidation of the local self-government law as early as possible. I think this Bill deals too summarily with many important matters and it does not contain a single provision which is really of such urgency as to justify private legislation in view of the assurance which I have given. In these circumstances I would ask this House to refuse leave to the introduction of the Bill, which I am convinced can only involve a waste of valuable time in the circumstances I have stated.

The motion that leave be given to introduce a Bill further to amend, the Bengal Local Self-Government Act of 1885, was then put and a division taken with the following result:—

AYES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Barma, Rai Sahib Panchanan.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Das, Dr. Mahini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Boroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Moreno, Dr. N. W. B.
Mukerjea, Babu Taraknath.
Nasker, Babu Nem Chandra.
Neogi, Babu Manmohen.
Pahlewan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.

Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Sarkar, Babu Hemanta Kumar.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Sen, Mr. N. C.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Aley, Khan Bahadur S. Mahboob.
Ali, Maulvi Sayyed Sultan.
Banerjee, Rai Bahadur Abinash Chandra.
Bartan, Mr. H.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Corcoran, Mr. S. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. G. C.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T
Faroqui, Khan Bahadur K. G. M.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Hopkyns, Mr. W. S.
Huq, Maulvi Ekramul.
Jennaway, Mr. J. H.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Mukerji, Mr. S. C.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Parrott, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. S. N.
Salam, Khan Bahadur Maulvi Abdus.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. F.
Woodhead, Mr. J. A.

The Ayes being 53 and the Noes 39, the motion was carried.

(The Secretary then read the short title of the Bill.)

The Bengal Village Self-Government (Amendment) Bill, 1925.

Rai HARENDRANATH CHAUDHURI: I beg leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

My Bill is a very short Bill. It simply proposes to amend only two sections of the Bengal Village Self-Government Act, the corresponding sections of the Village Chaukidari Act having been amended by the last Council in 1922 and 1923. It does not aim at any comprehensive amendment of the Act, I am compelled to say at the outset because although it is supposed that a non-official Bill is a secret document until it is introduced, we have seen that prepared speeches can be delivered objecting to the clauses in anticipation. It will be seen from the Statement of Objects and Reasons that I propose to do nothing more than what I have said.

Section 12 of the Village Chaukidari Act of 1870, dealing with the authority to determine the salaries of chaukidars, has been amended by the Bengal Legislative Council in its August Session of 1922. Section

11 of the same Act, dealing with the authority to determine the number of chaukidars, has also been amended by the Legislative Council in the July Session of 1923. With a view, therefore, to bring the Bengal Village Self-Government Act of 1919 into line with the amended Village Chaukidari Act—which Act again the Act of 1919 seeks to replace—it is proposed by clause 3 of this Bill to amend section 21 of Bengal Act V of 1919. The limited powers of appointment and dismissal of chaukidars proposed to be conferred on the union board by clause 2 of this amending Bill are no new powers but are much the same as those that were conceded to the *panchayets* by section 35 of the Act of 1870.

Mr. PRESIDENT: Is it necessary to go into all these details? I think it would be better if you deliver a short speech.

Rai HARENDRANATH CHAUDHURI: I am simply reading from what is printed as the Statement of Objects and Reasons of the Bill. The power of appointing chaukidars was taken away from the *panchayets* by section 11 of the amending Bengal Act I of 1892 and section 20 of the Bengal Village Self-Government Act of 1919, modelled as it is on that section of the aforesaid amending Act, only goes further to deprive the village authorities of such powers. Clause 2 of the Bill therefore proposes to revive to some extent the powers of the village authorities as they existed under the Act of 1870.

The motion that leave be given to introduce a Bill to amend the Bengal Village Self-Government Act, 1919, was then put and agreed to.

(The Secretary then read the short title of the Bill.)

The Bengal Hindu Public Trusts Bill, 1925.

Babu DEVI PROSAD KHAITAN: I ask for leave to introduce a Bill to provide for the control and management of Hindu religious public trusts and other Hindu charitable public trusts in Bengal.

It is very unfortunate that on account of a rule of procedure the Bill could not be circulated to the members of this House, as before introduction circulation is prohibited. In these circumstances I will very shortly state the provisions of the Bill. There is some misunderstanding that by this Bill certain vested rights are sought to be taken away and conferred upon other people, that there would be undue interference in religious and public institutions. I should like to make it clear that the Bill provides for no such object; on the other hand various mismanagements that have hitherto disclosed themselves in regard to religious and charitable institutions have got to be righted and the simple procedure provided for in my Bill is that the same may be investigated. The present law and procedure are very cumbrous in regard to that. Under

the present law what has to be done is that the would-be plaintiff has got to make all his investigations privately and after he does that he has got to make specific allegations in regard to the management or other difficulties that he perceives to exist in regard to the management of that particular trust. To avoid further confusion the last clause of the Bill expressly excludes its applicability to private trusts and under this Bill it will not be applicable to any trust which is created or established by an individual or a single family or a single firm out of funds belonging to him or it or for the benefit of specified persons or relations only if such trust has not lost such a character, either by habitual receipt of subscriptions or offerings from the public or by usage or implied dedication, or if its origin is not lost in antiquity. It will thus be clear that the Bill applies only to public trusts. In regard to public trusts the members of the House will be aware that considerable difficulties arise, and if recent instances may be given I may cite the case of the Albert Hall in respect of which my hon'ble friend Mr. B. Chakrabarti did so much to obtain proper management through the Calcutta High Court, but the difficulty is that the plaintiff who has no means of getting at the proper facts, firstly, cannot disclose all the acts of mismanagement; secondly, the very persons who would have to give evidence in order to prove mismanagement are the very persons who are in the employ of persons who are mismanaging the affair. Therefore the members of the public who wish to file a suit with the permission of the Advocate-General or the Collector are placed in the greatest difficulty in regard to investigating such matters and furthermore and still more in regard to proving the allegations. What I want, therefore, in this Bill is that there should be a Board of Hindu Charity Commissioners, eight of whom should be elected and two to be nominated, and if any ten persons out of those for whose benefit a Hindu religious public trust or a charitable public trust exists—if ten or more persons out of such section of the community think that the object for which a public trust was created is not being properly carried out or that its funds or income are or is being misused, or that the provisions of section 16 should be enforced, they may apply to the Board for a committee of inquiry. Then the Board of Charity Commissioners, if they think that the application is a *bona fide* one, may appoint a committee of inquiry from amongst the persons for whose benefit the public trust exists. That committee of inquiry is empowered to hold all the investigation that they think to be necessary and, if upon investigation the committee of inquiry think that certain changes are necessary in order that the public trust may be properly managed, to carry out the object for which it was created, the committee of inquiry can make their report to the Board of Charity Commissioners. The Board thereupon shall hear any objections made against the report and considering objections so made against that report they may make their report to the local Government and the local Government shall in its executive capacity be bound to carry out the

report of the Charity Commissioners. Therefore it will be clear to the House that nothing is being taken away from any vested interest and, secondly, that no undue power is being given to the executive government to divest any persons of properties of which he was in possession before application is made. Even if there is any doubt as regards the report of the Board of Charity Commissioners, there is a clause in the Bill which provides that if any person interested in the trust thinks that that report goes against the object of the trust which would be frustrated if the report was carried out he can file a suit in the High Court and have the matter adjudicated upon.

There is one more matter about which the Madras Legislative Council has already passed an Act and that is as regards the surplus income. It often appears that in several public trusts there is a surplus income which connot be disposed of without going into the lengthy process of resorting to the court and then questions of custom and other matters arise and great difficulties crop up. The Madras Legislative Council has passed an Act in order that these difficulties may be done away with and I have bodily taken a section from that Act which is not my own drafting and this provides that the Board of Charity Commissioners, upon an application from the trustees or upon the report of the committee of inquiry, may direct that they can give sanction to devote the surplus portion of the income of the endowment or such surplus as may be available to religious, educational or charitable purposes not inconsistent with the object of such endowment. Sir, I hope that the Tarkeswar affair is still fresh in the memory of the members of the House and if an Act of this nature had been on the Statute Book it would not have been necessary for any people of this province to go upon *satyagraha* or go to jail in order to remedy the serious defects that were existing there. All that the people would have to do would be for ten of them to apply to the Board of Charity Commissioners for the appointment of a committee of inquiry and that committee of inquiry would have investigated all the matters and thereupon the Board of Charity Commissioners would have made their report.

I feel that an Act of this nature is very much required in the present circumstances of the community and I hope that the members of the House will agree with me in thinking that this Bill should be introduced and carefully gone into. If upon a perusal of the Bill members think that it requires amendment, certainly they can amend it in any form that they think best. If they think that it is not capable of proper amendment or that it should not be passed as it stands then they will get another opportunity—when I come up again in this Council for its reference to the Select Committee—to throw away this Bill. In these circumstances I hope the members of the House will allow an opportunity for the circulation of the Bill to the members of the Council so that they may properly consider it.

With these words I beg leave to introduce the Bengal Hindu Public Trusts Bill, 1925.

The motion that leave be given to introduce a Bill to provide for the control and management of Hindu religious public trusts and other hindu charitable public trusts in Bengal was then put and agreed to.

(The Secretary then read the short title of the Bill.)

The Bengal Phuka Bill, 1925.

Dr. H. W. B. MORENO : I beg leave to introduce a Bill to prevent the practice of *phuka* on milch animals.

I might say at the very outset that this Bill, along with the two other Bills, that are down on the agenda paper in my name, are framed for the protection and improvement of cattle in India. Although, Sir, I move this Bill I should like it to be clearly understood that it has been very carefully thought out by the all-India Cow Conference Association together with the two remaining Bills that I shall presently bring up for consideration, under the presidency of the Hon'ble Sir Ewart Greaves, who has been careful to see that the economic interests alone are presented and no other; so that while the voice is Jacob's the hand is the hand of Esau. I should like to speak a little while concerning the principle underlying the *phuka* Bill. The Prevention of Cruelty to Animals Act allows for the prosecution of persons for *phuka* when seen by an officer; so that if an officer were to enter a building and arrest a man for practising *phuka* it is necessary that he should see the offence being committed. The offence, in other words, should take place in his view; otherwise he would be guilty of doing a wrongful act. What often happens in and round about Calcutta is this : People practise *phuka* (I cannot here explain fully the disgusting process) upon animals for milking purposes behind closed doors. This *phuka* is practised upon milch animals, as I have mentioned in my Statement of Objects and Reasons in about a thousand cattle-sheds in India. It is difficult always for an officer to break into a cattle-shed and discover whether these things are being practised, for, directly a man breaks in every thing is stopped and the animals look as they were before. In this Bill provision has been made for a person to enter into such premises if he suspects reasonably that *phuka* is being practised in such premises and no suit will lie against him if he be mistaken provided his mistake be one of the right kind. Furthermore in the Bill the punishment for *phuka* is a little severer, the owner of the animal who permits the practice of process being also liable to punishment. We hear a great deal about the slaughter of milch animals made over to butchers by people thereby causing a serious diminution of the cattle of the province. One of the reasons is this : It is so difficult to keep the animals here, in Calcutta and roundabout——.

Mr. PRESIDENT : Dr. Moreno, it is not necessary to make a long speech.

Dr. H. W. B. MORENO : I will speak only a few words more.

What happens then is this : Persons who milk such cows continue to milk them to the very end, by the practice of *phuka*, till the animals are left absolutely sterile for the rest of their lives. They then make them over to the butchers for slaughter and with the money they purchase new animals, who in their turn, meet with a similar fate. A Bill of this kind will certainly go a long way to stop this disgusting practice and allow these animals to continue their periods of lactation so long as they are alive, thus helping to solve the great problem of the milk supply of Calcutta and roundabout. With these remarks I beg to introduce the Bengal *phuka* Bill, 1925.

The motion that leave be given to introduce a Bill to prevent the practice of *phuka* on milch animals was then put and agreed to.

(The Secretary then read the short title of the Bill).

The Bengal Cattle Bill, 1925.

Dr. H. W. B. MORENO : I beg to move for leave to introduce a Bill to provide for the protection of cattle in Bengal.

The Bill briefly intends to do away with the harmful results caused by the ruling of the Calcutta High Court reported in the Calcutta Law Reports, Volume 17, page 852. In that judgment it has been held that any Brahmini or Kodai bull set apart for any religious purpose and used for breeding purposes, can be caught hold of by drivers of scavenger carts besides by other people who require draft animals; and thus can be employed for all but the high purposes for which they were set at liberty by their benevolent owners. This Bill will make it punishable to use Brahmini or Khodai bulls for any other than for breeding purposes. As every body knows these sacred bulls are generally pedigreed animals and can be of great service to the country in improving the breed of the cattle. Further, the Bill provides for the keeping of stud bulls in district centres, allowing them to be maintained by district boards who may let them out on certain prescribed fees. This will tend to a district improvement in the breed of the cattle in India. Sir John Woodroffe not very long ago spoke of the great deterioration of the cattle in India owing to the fact of the cows were being covered by immature or infected bulls. A Bill of this nature will go a great way to remove a very crying grievance in this direction. The district boards will have to maintain these bulls on the fees they derive from letting them out. We hear a great deal about the deterioration of the cattle in India and of the deficiency of the milk supply. It has been

held by veterinary experts that the best way to get a good and plentiful supply of milk is to cover the cows by good bulls. This Bill will be one of the means that will help the improvement of the breed of the cattle of the land and will bring about an increased supply of milk for the province as also of milk products, which are so very necessary in this province, where milk products and vegetables are so largely consumed by the indigenous inhabitants.

SHAH SYED EMDADUL HAQ opposed the Bill and spoke in Bengali, an English translation of which is as follows :—

Cattle is a food of the Moslems and an object of religious sacrifice or *Korban* according to their religious scriptures, while it is worshipped as a god by the Hindus. Thus, on account of the existence of different religions and communities in India, it is a food to one race but god to another. Then again, the consumption of beef, though permitted by the Moslem scriptures, is not obligatory on the Moslems; but when resistance is offered to the consumption of a food permitted by the scriptures, it becomes obligatory on that account. There are undoubted causes of apprehension on religious ground in the framing of such a Bill. It would not be strange if this Bill becomes in future a cause of the increase of communal bickerings amongst the Hindus and Moslems. No law can be enacted at any time on the subject of cow-slaughter, for, it is beyond the competence of human power to transform a thing which God Himself has made to be pure food, into a prohibited food. It was on this account that I was compelled to raise strong objection to the insertion of the matter in connection with cow-slaughter in the Bengal Pact though two-thirds of the Moslem members in Council were in favour of it. I object, in short, because there are strong reasons for objection to the introduction in the present manner of this Bill. The improvement of cattle is certainly an important subject; so a measure to that effect may be provided after totally eliminating therefrom all causes of restriction on the consumption by the Moslems of this pure food of theirs and after mutual discussion between the two communities on other suitable means for the purpose.

The motion that leave be given to introduce a Bill to provide for the protection of cattle in Bengal was then put and a division taken with the following result :—

AYES.

Abbott, Mr. E. G.
Addy, Babu Amulya Dhone.
Ali, Mr. Altaf.
Banerjee, Babu Satya Kishore.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Browne, Mr. P. H.
Chakravarti, Mr. Byomkes.
Chakravorty, Babu Sudarsan.
Corcoran, Mr. E. J.
Das, Babu Charu Chandra.
Dass, Rai Bahadur Pyari Lal.
Eddis, Mr. S. E. G.
Farrester, Mr. J. Campbell.
Ganguly, Babu Khagendra Nath.
Guha, Mr. P. N.
James, Mr. F. E.

Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Moreno, Dr. H. W. B.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Raikat, Mr. Prasanna Deb.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Snaith, Mr. J. F.

NOES.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bakeh, Maulvi Kader.
Banerjee, Mr. A. C.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Gafur, Maulvi Abdul.
Haidar, Mr. S. N.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Khan Bahadur Maulvi Musharrul.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rashid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mitra, Babu Jogendra Nath.
Nazimuddin, Khaje.
Neogi, Babu Manmohon.
Pahlewan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Rahman, Mr. A. F.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy Choudhuri, Rai Bahadur Satyendra Nath.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Suhrawardy, Dr. A.
Taraffdar, Maulvi Rajib Uddin.
Yasin, Maulvi Muhammad.

The Ayes being 27 and the Noes 51 the motion was lost.

The Bengal Pasture Bill, 1925.

Mr. PRESIDENT: Dr. H. W. B. Moreno wants to move for leave to introduce a Bill to provide for pasture lands in Bengal. Does anybody object to its introduction?

No objection being taken the motion for leave to introduce the Bill was put and agreed to.

(The Secretary then read the short title of the Bill.)

The Calcutta Rent (Amendment No. II) Bill, 1925.

Mr. PRESIDENT: Dr. H. W. B. Moreno wants to move for leave to introduce a Bill further to amend the Calcutta Rent Act, 1925. Does anybody object to its introduction?

Mr. DEBI PROSAD KHAITAN: We want to know what it is about.

Babu AMULYA DHONE ADDY: We want to know what are the provisions of the Bill.

Mr. PRESIDENT: It is the look-out of the Member-in-charge to circulate the Bill. When the Bill is introduced the Legislative Department will of course circulate it.

Mr. P. N. GUHA: We should like to have the provisions of the Bill explained to us.

Mr. PRESIDENT: Does anybody object to its introduction?

Babu AMULYA DHONE ADDY: I am opposed to its introduction.

Dr. H. W. B. MORENO: Sir, I trust this Bill will have as easy a passage as my previous Bill.

The first thing I want to do with regard to this Bill is to calm the fears of those who have any proprietary interest in houses in Calcutta. There is nothing to fear in this Bill for it can cause no nightmare to those so interested. When sometime ago the Calcutta Rent (Amendment) Bill was introduced and its provisions were prolonged to the year 1927, I promised this House that I would try to set at rest some of the anomalies and defects of the present Rent Act, now extended to the end of March 1927. Those anomalies and defects are now sought to be removed in this Bill. I am extremely sorry I have not been able to circulate this Bill, otherwise members would have known that there is nothing in the provisions to be afraid of. As I have said it merely tries to remove the defects which have become very patent in the working of the Act. Perhaps it would be better if I summarised the provisions of the Bill by referring to the Statement of Objects and Reasons.

The object of this Bill is to rectify some anomalies of the Calcutta Rent Act, 1920, and to remove some ambiguities in its wording which have led the President of the Tribunal and the High Court to interpret some of the sections in a way that has to a great extent been prejudicial to the objects of the Act itself.

At the time of the introduction of the Calcutta Rent (Amendment) Bill of 1924 in the January session of the Bengal Legislative Council by which the operation of the Act in respect of premises the rent of which did not exceed Rs. 250 in November, 1918, was extended till the end of March, 1927, the mover undertook to bring in a Bill later on to remove the defects of the Act. The principal amendments have been necessitated by the following circumstances:—

(*a*) The President of the Tribunal held that when part of a building is separately let for the first time it is a case of "first letting" within the meaning of section 2 (*f*) (*ii*). This has, however, been held by the High Court to be wrong in the case Reberro *vs.* Jacob reported in 27 C. W. N., p. 569.

(*b*) In the case of Wells *vs.* Dickinson reported in 28 C. W. N., p. 774, Mr. Justice Buckland held that when a house is let furnished the Controller or the Court cannot interfere with the amount which the parties fixed as rent because it includes the hire of furniture which is not rent payable for the premises as defined in section 2 (*c*).

(*c*) Again in the case of Bhulchand *vs.* Grace reported in 26 C. W. N., p. 678, Mr. Justice Buckland held that a tenant who had once made default in paying his rent was for ever deprived of the benefits of the Act by reason of section 11 (*5*) although the rent had been subsequently paid and the landlord had accepted it.

(*d*) In many cases landlords have abused the provisions of the proviso to section 11 (*1*) and obtained decrees for ejectment on the pretext of requiring premises for their own occupation or for rebuilding. In the case of R. M. Chatterjee *vs.* D. O. C. Ryan the High Court has held that the Court cannot question the landlord's *bona fides* if he simply produces an Engineer's certificate that the house requires to be rebuilt.

These interpretations of the various sections have enabled middlemen, profiteers and unscrupulous landlords to evade the provisions of the Act.

Doubts have also arisen as to the jurisdiction of the Controller and the President of the Tribunal in respect of premises which have been excluded from the operation of the Act by the Calcutta Rent (Amendment) Act, 1924 (Bengal I of 1924).

The present Bill aims at removing these defects and anomalies.

What some of the intermediary lessees do is this: They take the lease of a house at a certain rental and for a certain prolonged period; and after introducing a few sticks of furniture they raise the rent of the house to an exorbitant figure. By virtue of the fact that they have introduced the hire of furniture, they take the house away from the jurisdiction of the Rent Controller. These intermediaries are not real landlords themselves. They trade on the good-will of others. This Bill endeavours to do away with that source of trouble.

Further, it has been held in a certain case by the High Court that if the landlord simply expresses his wish to occupy a building for himself then the tenant has to vacate the premises. Under this Bill the landlord will have to prove why he desires to occupy the building and he will have also to prove why he does not want to continue to reside in the house in which he has hitherto, been residing. Landlords have been known to get tenants out on the mere excuse that they require the premises for their own use. Sometimes tenants have been forced to leave premises on a mere pious wish of this kind. The Bill endeavours to remedy this grievance as well.

I have addressed my Bill strictly to these defects and anomalies which have been detected in the working of the present Act. I, therefore, hope that the Bill will be introduced so that it may be submitted to

a Committee which will go into the details and then the House will be able to consider the Bill more fully in all its bearings. It would certainly be premature to cast aside the Bill at this stage without examining its provisions first. I, therefore, pray that leave may be granted to introduce the Bill.

Babu AMULYA DHONE ADDY: Sir, in opposing this Bill, I want to say——

Mr. PRESIDENT: You need not say anything. Why not simply vote against its introduction.

Babu AMULYA DHONE ADDY: But I am entitled to speak on it, and I demand the right to speak.

Mr. PRESIDENT: You are not entitled to make a speech, unless I give you permission.

The motion that leave be given to introduce a Bill further to amend the Calcutta Rent Act, 1920, was then put and agreed to.

(The Secretary then read the short title of the Bill.)

Resolutions

(on matters of general public interest).

Transfer of the management of mail and passenger services between Jaganathganj and Serajganj Ghat Stations.

Babu MANMOHON NEOGI: I move that this Council recommends to the Government that early and necessary steps be taken to move the Railway Board and the Eastern Bengal Railway authorities to take up the carrying of the mail and passenger services between Jaganathganj ghat and Serajganj ghat stations from the management of the Steamer Companies in whose hands it is at present.

Sir, by the extension of the Sara-Serajganj Railway the route between Calcutta and Mymensingh has become very important as a large number of passengers travel by this route. But, owing to the irregularities of the Steamer Companies, the people suffer great difficulties and inconveniences. Repeated representations have been made to the Steamer Companies but without any effect. Formerly people going from Calcutta to Mymensingh were due to reach at about half past twelve but, owing to the irregularity of the Steamer Companies, they cannot reach Mymensingh before 2 o'clock in the afternoon. Then formerly, people, after reaching Mymensingh, could come back to Calcutta same day by afternoon train but now they can hardly do so. Besides, there are serious inconveniences in the steamer plying between Jaganathganj and Serajganj. There are no sufficient arrangements for female passengers. They are not even protected from rains. Even in second class the cabins

provided are small. There are no dining rooms and even in the cabins there is not sufficient ventilation. All these grievances were brought to the notice of the Steamer Companies, but nothing has been done as yet. In these circumstances I think the management should be taken up by the Railway Board and taken away from the Steamer Companies.

The HON'BLE Mr. T. EMERSON: Sir, the question of this ferry being taken up by the Railway Company was referred to the Eastern Bengal Railway authorities. They said that they are not in a position at present to take it over. As nothing can be done to carry out the object of this resolution at present if it is passed, I would suggest to the hon'ble member to withdraw his resolution now and bring it forward again on a suitable occasion when it would be possible to carry out his object.

The motion of Babu Manmohan Neogi was then put and agreed to.

Extension of the provisions of the Mussalman Wakf Act to the Province of Bengal.

Maulvi WAHED HOSSAIN: I beg to move that this Council recommends to the Government that the provisions of the Mussalman Wakf Act, 1923 (XLII of 1923) be extended to this province.

It is known to the House that up to this time provisions of this Act have not been extended to this province. Before I proceed to give reasons for moving this resolution I beg to draw the attention of this House to section 2(3) of the Wakf Act which excludes the private wakfs from the operations of the Act. My reasons for moving this resolution are these: From time to time loud complaints have been heard regarding the use or rather the misuse of the wakf fund. The Moslem public have on many occasions raised their voice against the improper application as well as diversion of the fund from its legitimate purpose. But their cry has been in the wilderness. There are many instances known to the public and especially to lawyers that cases were instituted against trustees and managers of wakf estates for the removal of *mutawallis*, for accounts, recovery of wakf properties lost by their neglect or wilfully and dishonestly transferred for their personal benefit and for framing a scheme for management of the wakf estates. The great difficulties which have often been experienced in proving the allegations made in such cases arise from the fact that the persons who interest themselves in such matters have no means of knowing the true state of affairs and can hardly expect to get access into the doings of the managers of the trust properties or to ascertain the actual amounts of income and expenditure or to satisfy themselves as to the proper application of the wakf fund. Consequently their allegations made in the plaints sometimes turn out to be wide of the mark or fall short of the

the standard of legal evidence required to prove a breach of trust or misuse of fund. On the one hand such cases create irritation and become a source of harassment to the trustee defendants; on the other they subject the well-intentioned persons who go to court for protection and preservation of public wakfs to heavy liabilities of cash and incidental expenses. To avoid these two evils and to protect the wakfs estate and safeguard the wakf fund some remedy is wanted by the public and I think that the Wakf Act of 1923 removes the long-felt want and provides a remedy. The cautious provisions made therein will, to some extent, check the evils against which loud complaints have been made.

It appears that effect has been given to the provisions of the Act in some other provinces of India and there is no valid reason why its operations will be withheld in this province.

There is one thing which I like to make it clear. It is argued that if under the Act the trustee or the manager is compelled to submit accounts and have them audited under the provisions of the Act a wide door will be opened to corruption. It means that either the man in charge of the wakf fund will submit a false accounts or the auditor will be won over at a price and have the false accounts passed. Such arguments have always been advanced whenever any legislation regarding the controlling of the trust fund is proposed. The argument presumes the lack of honesty in the *mutawalli* or manager as well as in the auditing agency. If such argument is allowed to prevail then the practice of auditing accounts should be abolished altogether. This is preposterous.

It is intended that the existing law, *viz.*, the Wakf Act of 1920, is sufficient but the same argument may also be advanced against it. It is pointed out that on the application of some persons on behalf of the public when the *mutawalli* or the manager is compelled to submit account in Court he may submit a false account; and when on the prayer of the party the Court appoints a person to examine it, the latter may be won over at a price. The situation remains the same.

But it may be argued what is then the advantage of extending the provisions of the Act 1923 to this province.
The advantages are as follows:—

(*1*) The Wakf Act of 1923 enables the Court to call upon the trustee to submit a true account for its scrutiny and the District Judge as Curator and Protector of all public trusts has a right to look to the proper application of their trust funds.

(*2*) Under the Act of 1920 the Court is powerless unless some members of the public move the Court to take action; under Act 1923 the Court has power to call for accounts and the public get the facility of looking into the accounts.

(3) Act of 1920 casts a burden upon the public for taking initiative while the Act 1923 casts a burden upon the manager of the trust property for submitting account.

(4) Act of 1923 makes the manager of the public trust to be more careful in his dealings with its fund and in keeping a proper account relating thereto.

Consequently the advantages under the Act of 1923 are obvious. I therefore move the resolution which stands in my name.

Maulvi SAYYED SULTAN ALI: I beg to move that this Council recommends to the Government that the provisions of the Mussalman Wakf Act, 1923 (XLII of 1923), be forthwith brought into force in the province of Bengal.

In moving this resolution I wish to make it plain to the House, first of all, as to what the word "wakf" means. The word "wakf" under the Muhammadan law means the dedication of property in the name of God for religious or other charitable purposes, and the person dedicating the property is called the wakif and the person who manages the property after dedication is called the *mutawalli*. As soon as the wakf is made of certain property, it vests in God and the latter manages the property according to the injunctions of the wakif. Considerable difficulty was felt regarding wakf estates of Bengal as the *mutawallis* who managed the property were not bound to submit any accounts to the Muhammadan public, and for that reason the Muhammadan public was kept in utter ignorance of the manner in which the income of the trust property was utilised. They could not understand whether the intentions of the wakif were given effect to by the *mutawallis*. To avoid that difficulty an Act was introduced and it was passed by the Government of India, but unfortunately for the Muhammadans of Bengal, although repeatedly in previous sessions similar resolutions were moved, the Bengal Government has not yet introduced the Mussalman Wakf Act of 1923 in this province. As soon as that Act is introduced the *mutawalli* will be bound to submit accounts to the District Judge within six months from the introduction of the Mussalman Wakf Act and after that every year he will be bound to submit accounts and the public—I mean the Muhammadan public—under the provisions of the Mussalman Wakf Act, on payment of a fee of Re. 1, will be able to inspect the accounts, and in that case he will be able to understand whether the income of the wakf property is properly utilised—I mean it is utilised according to the intentions of the wakf. In these circumstances it is highly desirable that the Mussalman Wakf Act of 1923 should be immediately introduced in this province, and I am sure, Sir, that as soon as that Act is introduced, we expect to get at least Rs. 5 to 10 lakhs which may be utilised for Muhammadan education or other similar purposes.

With these few words I move the resolution.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

SHAH SYED EMDADUL HAQ moved that this Council recommends to the Government that the provisions of the Mussalman Wakf Act, 1923 (XLII of 1923), be extended to the province of Bengal.

He addressed the Council in Bengali. The English translation of which is as follows:—

I rise to move resolution No. 4 on Wakf standing in my name. The movers of resolutions Nos. 2 and 3, which were of the same purpose and put above the present resolution by ballot, have dealt with many important facts. I shall, therefore, speak of other matters without repeating what has been already said.

A wakf is what is dedicated to God in the hope of approaching spiritually nearer to Him. After the act of such dedication, the person who has done it or his inheritors have no rights and title to the property dedicated in this manner. Under Islamic rule there are high Government officials or departments, such as Kazi-us-Sara and Kazi-ul-Kuzzat for the management of wakf property. Consequently, under Islamic rule, the incomes of wakf properties are spent according to the purposes of wakf and such properties are not squandered away on account of being made subjects of gift, sale or mortgage. For this reason, many wakfs of the time of Mahammad and his favourite companions are still found to exist in such Islamic countries as Egypt.

In India also, under Moslem rule, the Kazis paid particular attention to whether or not the incomes of wakf properties were spent according to the purposes of wakf. But many wakf properties have come to be abolished, since the beginning of British rule.

People created wakf properties in order to attain salvation in after-life, but their descendants are found to abuse these without giving any attention whatever to the purpose of wakf. A Persian poet has said, "All are with us, both friends and foes;—*i.e.*, as we depart, friends become foes". Our friends and fellows are attached to us only so long as we live but as soon as we die, the same relatives and friends become our enemies. So it is seen that the relatives of the deceased rich man forget all kindly feelings due to the deceased and becoming busy with selfish motives, act in a manner hostile to his interests.

The remedial measures for the good management of wakf property contained in the Civil Procedure Code and in the Wakf Act of 1923 are not sufficient for the purpose. It is not easy for any complaint that may be brought, to be admitted, to be based on sufficient grounds even after taking the opinion of the Advocate-General or according to the

provisions of the Act of 1923, and there are, particularly few people capable of bearing the expenses of such suits brought with a view to remedy some evil.

Provisions of the Act of 1923 of the Government of India, for the enforcement of which in Bengal notice of a motion has been given by me, are hardly sufficient for the purposes of wakf, but still I gave such notice considering that at least something which is better than nothing, would be gained thereby.

In this connection some persons have recommended submisson to audit by Government officials. When there is no association or committee in our country for the good management of wakf properties, will it be considered improper to introduce the said law which gives something which is better than nothing?

I am myself *mutawalli* of two wakf estates. In this circumstance, though the passing of this resolution may be seen to be contrary also to my interests, I have given notice of this resolution, considering that "great good may be gained at small sacrifice" and desiring the welfare of the country, without paying any attention whatever to such personal interest. If those members of Council who are *mutawallis* themselves support this resolution similarly disregarding their own personal losses, the welfare of the country would be secured and their liberal spirit made known.

Wakf estates, according to their terms, do not require any large expenses for management. On the contrary, many *mutawallis* consume everything as though they were proprietors thereof. The salary of *mutawallis* is not large according to the terms of wakf estates, nor can any big salary be given under the law. In this circumstance, what is likely to be the nature of the thoughts suggested by the pomp of coaches and cars kept by many of the *mutawallis*? I hope that, in this condition, all will unanimously support this resolution.

MAULVI EKRAMUL HUQ: Mr. President, I rise to move the resolution I have tabled for the consideration of this House. It runs thus:—

"This Council recommends to the Government that the provisions of the Mussalman Wakf Act, 1923 (XLII of 1923), be extended throughout the province of Bengal."

Similar resolution have been moved by three hon'ble members and it will not be necessary for me to repeat the arguments made by them again. What I would say in addition to what they have said is this, that there are many wakf properties which have existed for a very long time, and they have now gradually been taken away from their original purpose and have gone into the hands of persons who have absolutely nothing to do with them. The introduction of this Act will immediately enable the Government to get hold of these persons and, if they do not submit

any account of the properties they now hold and if it is desired by any member of the community, to bring them to justice. I know also of many instances where the income derived from wakf properties is being wasted and being employed by the persons who call themselves *mutawallis*, for their own purpose. The extension of this Act will put a check at once on this waste, and will enable the community further to know the amounts which have been endowed for charitable and public purposes. We could also deliberate on the matter and see whether the income derived from these properties could not be better spent.

It is a matter of surprise to many of us why this Act was not extended to Bengal so long. This was wanted by all the Associations that are in existence in Calcutta and other places. This Act was passed so far back as the year 1923. Is it that we are to consider that the Hon'ble Member of Government was not in touch with public opinion? Or was it that Government was very slow to move in this matter, because it did not like to go against vested interests? I do not know what is the cause, but now that this case is placed before the House, I hope that the Hon'ble Member of Government would see his way to accept the resolutions that have been moved.

Maulvi Md. NURUL HUO CHAUDHURY: I rise to support the resolutions moved by my friends and in supporting them, I will deal with the legal aspect of the resolutions. Sir, it has been said, or rather will be said by those who are interested in this matter, or by those *mutawalli* members in this House that the provisions of section 92 of the Civil Procedure Code of 1908 are quite enough for the purpose of removing a *mutawalli* or asking the same to produce accounts or to bring him to book. In this connection I would like to read the provisions of that section. Section 92 says that in the case of any alleged breach of any express or constructive trust created for public purposes of a charitable nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate-General or two or more persons having an interest in the trust, and having obtained the consent in writing of the Advocate-General, may institute a suit in the principal civil Court of original jurisdiction or in any other Court empowered in that behalf by the local Government within the local limits of whose jurisdiction the whole or any part of the subject matter of the trust is situate to obtain a decree—

(*a*) removing any trustee;

(*b*) appointing a new trustee;

(*c*) vesting any property in a trustee;

(*d*) directing accounts and inquiries; and so on.

Sir, from the reading of this section it will be apparent that this is a very cumbrous procedure. First of all, two or more persons interested in the matter must go to the Advocate-General and ask his permission

and also shall have to show to the Advocate-General that the *mutawalli* has mismanaged the wakf estate and until that can be done, the Advocate-General will not grant permission and hence no suit can be brought against the *mutawalli*, and he is as free as ever and can go on merrily spending and squandering away the trust money. Then Act XIV of 1920 was passed, and under that Act it was provided that two or more persons interested in the wakf can, by a petition before the District Judge, ask for the accounts of three years, and not more, from the *mutawalli* and the *mutawalli* can be directed by the Court to produce the accounts, but the Court must have to be satisfied that any application made by interested persons, is really made by persons actually interested in the wakf, and until and unless that is shown to the satisfaction of the District Judge or an officer empowered in this behalf by him, he will not direct the *mutawalli* to furnish the accounts. The next procedure is that after the *mutawalli* has furnished the accounts, it is open to the Judge to direct that the accounts shall be audited by an auditor. If the report of the auditor is that the accounts are correct and that there was no mismanagement, the Court invariably will direct that the parties who filed the petition should pay the cost of the auditor. So, Sir, you will see how cumbrous the procedure laid down in Act XIV of 1920 is. The provision in Act XLII of 1923 is much simpler and makes better provision for the administration of wakfs. It is a well-known fact that in Bengal almost in every district of Bengal, there are considerable wakf properties, and if the objects of the wakifs are given effect to, I am sure the education of the present-day Muhammadans would not be in such a state as it is now. Before the Act VI of 1913, if the incomes of any wakf were directed to any channel other than those specified in the wakf itself and if a substantial portion of the income is not dedicated for the poor that wakf was declared invalid; and that the well-known case of Abul Fattah *versus* Rusomoy Chaudhuri is a case in point. After Act VI of 1913 any man can provide for his family by a wakf, and that is called *Wakf Ahal Aulad*. This could be created after 1913, but the wakfs created before 1913 should be enquired into and the wishes of the wakifs must be given effect to. Act XLII of 1923 provides that in every district where the wakf is situated every *mutawalli* must furnish, within 6 months of the date of the introduction of this Act, to the District Judge (and not to the Collector) the name of the wakf property, the probable expenditure, the probable income and all other necessary particulars relating to that wakf. Section 3 of this Act is very clear on this point; it runs as follows:—

Within six months from the commencement of this Act every *mutawalli* shall furnish to the Court within the local limits of whose jurisdiction the property of the wakf of which he is the *mutawalli* is situated or to any one of two or more such Courts, a statement containing the following particulars, namely:—

(*a*) a description of the wakf property sufficient for the identification thereof;

(*b*) the gross annual income from such property;

(*c*) the gross amount of such income which has been collected during the five years preceding the date on which the statement is furnished, or of the period which has elapsed since the creation of the wakf, whichever period is shorter;

(*d*) the amount of the Government revenue and cesses, and of all rents, annually payable in respect of the wakf property;

(*e*) an estimate of the expenses annually incurred in the realisation of the income of the wakf property, based on such details as are available of any such expenses incurred within the period to which the particulars under clause (*c*) relate;

(*f*) the amount set apart under the wakf for—

(*i*) the salary of the *mutawalli* and allowances to individuals;

(*ii*) purely religious purposes;

(*iii*) charitable purposes;

(*iv*) any other purposes; and

(*g*) any other particulars which may be prescribed.

So if this Act be put into force in Bengal, every *mutawalli*, whether he comes under the old law or under the new law, must furnish to the Court a statement of accounts for at least five years and must also furnish information of the expenditure and the heads under which that expenditure is incurred. In this case any member of the community may look into the accounts; after paying the prescribed fees, which will be very small indeed. Another salutary effect of this Act will be that many of the wakf estates will be freed of encumbrances. I know many of the wakf estates are at present encumbered, and I know there are some members of this Council who have—

Mr. PRESIDENT: Order, order. You should not go into that; you should try and refrain from referring to anything regarding any member in this Council.

Maulvi Md. NURUL HUQ CHAUDHURY: I bow to your ruling. If this statement is furnished to the District Judge, he will be able to find out what amount is owed to the usurer or the money-lender. At the same time if a *mutawalli* wants to take a loan or encumber the estate, he will have to state his reasons before the District Judge. I think in the interests of the *mutawalli* as well as the public at large for whose benefactions these wakfs were created, no better way can be found for giving effect to the wishes of the wakif than by extending the Act to Bengal.

With these words I support the resolution.

Khan Bahadur S. MAHBOOB ALEY: I rise to oppose these motions. I have carefully considered the Act myself and have consulted a large number of Muhammadan lawyers and I think I am in a position to place before you facts which will enable you to view the subject in the right perspective. I shall be the first man to welcome anything which can really improve the management of wakf estates in the province or

better ensure the interests of the beneficiaries. But, Sir, I am afraid the Act in question which is sought to be introduced into this province will prove to be a remedy which is worse than the disease—a measure which will cause unnecessary harassment to *mutawallis* and entail unnecessary expenses on the wakf estates without improving the position of the Muhammadan public in relation to it. It is said that some of the wakf estates have been ruined on account of mismanagement or carelessness of *mutawallis*, but Sir, the remedy lies not in a multiplication of statutes but in a better consciousness of their rights by the public. I beg to submit and assert with some confidence that the existing laws are more than sufficient to ensure the objects of the present Act. There are only two objects which are sought to be gained by this Act, *viz.*—

(*1*) the submission of particulars about a wakf estate to the Court by the *mutawalli*; and

(*2*) submission of audited accounts annually to the Court.

The information regarding the existence of a wakf can be easily obtained from the collectorate, where the name of the person in possession is recorded as *mutawalli* under the Land Registration Act; while both the particulars and three years' accounts can be obtained by an application bearing 12 annas worth of Court-fees stamp by any person under Act XIV of 1920, the Charitable and Religious Trusts Act. This Act was passed only 5 years ago and I submit it has not had a fair trial. There are many Muhammadans who are not even aware of its existence and I appeal to the non-lawyer members to lay their hand on their hearts and say how many of them are aware of its provisions. It can of course be said that the proposed Act goes one step further inasmuch as it provides for the submission of the particulars of the wakf estate and accounts by the *mutawalli* without anybody asking for it and they can be had by the public without going through the trouble of an application to Court as in the Act of 1920. To this my reply is that the advantage is a seeming and not a real one, and one will have to undergo the same amount of trouble and expense as under the Act of 1920. He will have to apply to the Courts and obtain copies of the particulars or accounts or search the records of the Courts and pay costs of the search and for the copies. On the other hand the proposed Act will entail the recurring expenditure of the audit of accounts and cause unnecessary trouble and harassment to *mutawallis* who will have to get the accounts audited every year, to prepare copies and to submit them to Court where they will be consigned to the dust of the upper shelf whether any member of the Muhammadan public cares to look into them or not. And it is undesirable as very pertinently remarked by the Collector of Bakarganj that a *mutawalli* in many cases who acts for very little or no remuneration and generally for an act of piety should be subjected to this unnecessary trouble and harassment. The present Act which deals with

the wakfs estates, *viz.*, the religious endowments Acts of 1863, section 92 of the Civil Procedure Code and Act XIV of 1920 are more than enough to deal with the misconduct on the part of *mutawallis* and such abuses as are alleged, can only be cured by action taken under one or other of the above statutes. The application of the proposed Wakf Act as a remedy for these evils will be worthy of the physician in the story who treated a patient suffering from stomachache by prescribing for his eyes. With these few words I strongly oppose this resolution.

Maulvi KADER BAKSH : What is the real meaning of a wakf estate? Whether a wakf is a property which can be looked upon as a trust property? If a wakf is a trust property then certainly it is a public property and like all other public properties it must be zealously guarded. In all other public properties we find that some auditors are appointed to look into the accounts of those properties and if such auditors are appointed for wakf properties I don't think any harm will be done. The *mutawallis* of the endowed properties ought to submit accounts in court and the auditors who are appointed may examine them and see if the money is properly spent. There is no denying of the fact that some of the wakf properties are squandered away nowadays and the income derived from them are not spent in accordance with the terms of the endowment. I can say from personal knowledge that the income of some of the wakf estates are used for irreligious and wasteful purposes. It is necessary that there should be some sort of check on the accounts kept by the *mutawallis*, especially when those persons who are the managers and trustees of those properties are not of their own accord looking to the interests of the public and are spending the money on their personal needs. So I say some sort of control should be exercised over the wakf properties.

It has been said by Khan Bahadur S. Mahboob Aley that there will be unnecessary expenditure if this resolution be passed for the regulation and control of the wakf properties. Indeed there will be some expenses but to save the wakf properties from being ruined this will be justifiable and I think nobody should object to such expenditure being incurred for saving these properties. With these few words I support the resolution moved by Maulvi Wahed Hossain and the other friends on this side of the House.

Khan Bahadur Maulvi ABDUS SALAM : At this late hour I do not like to detain the Council by any lengthy remarks, especially after the many speeches that have been delivered on the subject. It is not open to us in this Provincial Council to question the wisdom of this piece of legislation which has been passed by the Legislative Assembly and received the assent of the Governor-General in Council. The only point for us to consider is, whether the operation of this Act, which has

already been passed by the Legislative Assembly and received the assent of the Governor-General, should be extended to this province. I may mention that this Act has been already extended to the Punjab and also to the Bombay Presidency, and we are now to consider whether the operation of this Act should be extended to Bengal. What are the points to consider in determining whether its operation should be extended to Bengal? I think there are only two points to consider. First, whether there is a sufficient number of public wakf estates in Bengal, whether the endowed properties in Bengal are sufficient in number to warrant an extension of the operation of this Act to Bengal. Secondly, whether there is a sufficiently large number of malversation of funds on the part of *mutawallis* of public trusts to require that the Act should be extended to Bengal. On both these points the answer will be in the affirmative. Any one who is conversant with the conditions in Bengal will know that there is a large number of public wakf properties here. Any one who is conversant with the public wakf properties here is aware of the malversations of funds that take place. Many years ago I had an opportunity of examining some of these endowed properties, and I know that many of the reports including mine that came of the endowed properties are already in the archives of the Government, and these will show that there has been much malversation of public funds. Owing to the difference of opinion among the Muhammadans themselves because of vested interests, some of the Muhammadans in those days would not tolerate interference of the legislature in this matter, and so no action could therefore be taken at that time by Government. I can well understand that. At that time the Government was a bureaucratic one, and it would have to take the whole responsibility on itself. The Legislative Council was an official show and more or less under the control of officials and would naturally fight shy of taking any steps that might alienate the sympathy of interested Muhammadans. But things have now changed, and now the Legislative Council is one in which the Muhammadans are better represented. It is no longer an official body and if the popular Muhammadan representatives in this Council think that the operation of this Act should be extended to Bengal, there is absolutely no reason why Government should hesitate to give effect to their wish.

It is unnecessary to go into the merits of the Act : there are only two main provisions in it. One of them is that a statement of particulars should be filed in the Civil Court by the *mutawalli* or superintendent of the public wakf estate, and the second is that a statement of accounts should be filed on the 31st of March, I believe—in the Courts. These are very simple conditions and there is nothing impossible about it. My friend, Khan Bahadur S. Mahboob Aley—of course, I can well understand his feeling—thinks that this will involve a very great hardship, but I would ask him and appeal to him to

consider whether it is any hardship at all for a man to file his accounts if he keeps them clean and correct. If he does not do, that litigation ensues and much of the wakf estate is squandered and a great deal of harassment and expenditure follows. Which is the lesser hardship? I know of many cases in which suits have lingered on in the courts from year to year with the result that the income of the endowed properties has been squandered. The *mutawalli* has been harassed; the public have been harassed and the endowed property has been squandered, whilst this is a very simple provision which stipulates that accounts should be filed every year and then audited by chartered accountant, etc., and there ends all the trouble and expense. I think this is a much cleaner, speedier and less harassing and less costly method.

In conclusion I appeal to the Muhammadan members of the Council to unitedly support this resolution, because as we know already many of the endowed public funds have been wasted—funds which could be utilised for Moslem educational purposes and charitable purposes according to the intentions of the donors. As this is a matter of purely Muhammadan concern I also appeal to the non-Moslem members of this Council, whether official or non-official, to abstain, if possible, from voting on this resolution.

Maulvi ABDUL CAFUR : Mr. President, I rise to support the resolution moved by my friend. In supporting the resolution, I beg to draw the attention of the House to one feature, and that is the speciality of the Act. The Act provides a salutary effect—and what is that salutary effect? It makes it obligatory on every *mutawalli* to render——.

Maulvi SAYYED SULTAN ALI : Sir, I rise to a point of order. Is the hon'ble member in order in addressing the Council, without his his *fez* on?

Maulvi ABDUL CAFUR : I do not think it is obligatory on us to put the *fez* on while speaking. As I was saying, the Act makes it obligatory on the *mutawallis* to render accounts to the District Courts. Now, the law, as it was before, did not provide such a thing and did not make it obligatory on the part of the *mutawallis* to render accounts to the District Courts. So the *mutawallis* could escape and misappropriate the money in any way they liked. But the Wakf Act does do away with these things and the *mutawallis* cannot, with impunity, squander the money, as they have to render accounts for every year; and the other point is that the Court can call upon *mutawallis* to render accounts. Now, it might be said that section 92 of the Criminal Procedure Code or section 3 of Act 14 of 1920 is sufficient. But it will be seen that the provisions of these two sections are not sufficient, because they are interested persons, who will make it difficult for the said sections to be operative, because these will go directly against

their own interests, and therefore there will be a clamour of hardship and expenditure. But I may submit that the expenditure point is nothing as the expenditure will be borne by the *mutawallis* not from his own pocket but from the income of the property. It can therefore be no excuse that, because of the expenditure, such an Act should not be introduced in Bengal. I say that the Act should be introduced at once to put a check to the *mutawallis'* misfeasance and for the good of the Muhammadan public in Bengal. The Muhammadans of Bengal are in distress—they do not find sufficient money, as Maulvi Sayyed Sultan Ali was just now saying, to meet educational expenses and other things. It may or may not be that the public will get some money for educational expenses under the wakf; but nevertheless the poor will have something without doubt; because a substantial portion should have been provided under the wakf of religious and charitable purposes. I think at least the charitable institutions should get some money under the wakf, and that this Act should be introduced forthwith, and I do not understand why this Act was not introduced earlier. And I am sure that my Muhammadan friends here will support the motion with all their heart, because it will accrue to the benefit of the public, and the Muhammadan public of Bengal, and that they will not withhold their vote or rather vote for the motion.

Maulvi ASIMUDDIN AHAMAD addressed the Council in Bengali, an English translation of which is as follows :—

Sir, I have intimate personal knowledge about many wakf estates and the way in which the *mutawallis* of these estates misuse the incomes of these estates, is indeed really a matter of regret. The creators of wakf estates had made gifts of fixed amounts of money, to be realised from the incomes of wakf estates, to be spent for specific purposes, from pious motives, but the *mutawallis* never carry out those purposes in the manner prescribed, aids provided for in the terms of wakf to *pathsalas*, maktabs, madrassas and schools are not duly given. It will be no exaggeration to say that except for guests nothing at all is spent on account of travellers, wayfarers, etc., although expenses on such accounts are provided. The *mutawallis* pay absolutely no attention to the reparation and maintenance of mosques. It is understood that almost all *mutawallis* spend nearly four times the sums they receive as their annual salaries. The money which belongs to the poor masses is being spent unfairly for buying luxuries for the rich. The money which should have gone to educate and maintain the poor is being actually spent in many cases on couches, horses, elephants and election campaigns. Though the law provides that interested persons can bring suits in Court and obtain redress, still none amongst them is found to be willing to incur the losses involved in taking such a step and thus no redress is obtained. There is no doubt that the *mutawallis*

misuse the incomes of wakf estates. In this matter it is extremely necessary that the *mutawallis* should submit accounts to the local Court. I sincerely support, therefore, this resolution moved by my friend Maulvi Wahed Hossain and others.

The Hon'ble Sir ABD-UR-RAHIM : The position of the Government in regard to this matter is that we shall be guided in dealing with the question which we are discussing now, whether the Wakf Act of 1923 should be extended to Bengal or not, by the public opinion of Muhammadans and specially that opinion as voiced in this Council. The Wakf Act of 1923 is of great importance with reference to the social and public institutions of the Muhammadan Community and the object of the Act is briefly this. It requires the trustees who are in charge of these public funds and properties to disclose what the properties are which have been dedicated to public purposes and to submit annually properly audited accounts relating to the income and expenditure. The House no doubt knows that there are a number of legislations with reference to public endowments and this one relates only to Muhammadan endowments. The Act seeks to ensure automatically that the public should be in a position to know what are the properties which have been dedicated for public, religious and charitable purposes and also how the income of the property is being employed, so that in case there is any improper diversion from the contemplated purposes or any sort of misapplication of the funds any member of the public who is interested may be in a position to take steps according to law in order to put things right. That is the whole object of this Act and it is for the Muhammadan Community to make it clear to the Government whether they want the Act to be applied in Bengal or not. This Act has been brought into operation in some of the other provinces and the question for consideration for the Government is whether the Muhammadan representatives of Bengal want this Act to be applied to Bengal or not. I have heard the debate this afternoon and if the Muhammadan members wish to have a division on the point in order to make sure what the actual state of opinion of the members of this Council is, Government will be very glad to know who are in favour of the enforcement of this Act in Bengal and who are opposed to it, and then in the light of Muhammadan opinion they will be able to decide whether the Act should be applied here or not. I may also inform the House that the Government have collected the opinion of the general Muhammadan community through various Muhammadan Association and of certain prominent individuals and officials and that they will be mainly guided by that opinion and the opinion of the Muhammadan members of this Council.

Maulvi WAHED HOSSAIN : I see that there is a needleess feeling of nervousness on the part of some of the members. I fail to understand

why certain members only should be nervous over the extension of the provisions of this Bill to Bengal. I have made a close study of this subject and compared the provisions of the Civil Procedure Code, the Wakf Act of 1920 and the Wakf Act of 1923. I can assure the House that of the two Acts neither the Civil Procedure Code nor the Wakf Act of 1920 is a sufficient safeguard against the misuse of trust funds. I do not like to make any reflection against any person or a class of persons, but I may inform the House that we are not the only persons who are trying to extend this Act. Last year the All-India Moslem League in its session at Bombay adopted a similar resolution and passed it. There all the *pros* and *cons* of the provisions of the Wakf Act were fully considered and accepted almost unanimously. I was present at that session and I can say this from my own personal knowledge. It has then been said that there will be needless expenditrue if the account is submitted in Court. What is the needless expenditure that will be incurred? Perhaps as soon as the account is submitted to the Court an auditor or a commissioner will be appointed to check it and some money would be required for his remuneration. Those who are nervous should think that whether some money goes to an auditor or to the pocket of the person who has got the fund in his hand is same with the public. If something is spent in order to have the whole amount saved I think that amount should be gladly paid.

There is another point. It is only right that the public will have a look into the accounts which are now kept secret. I know that there are certain birds which fly in the darkness and are afraid to come out into the light; but I want the public to go into the account of these funds which are held as public trust and for public purpose.

Mr. PRESIDENT: The motions of Maulvi Wahed Hossain, Maulvi Sayyed Sultan Ali, Shah Syed Emdadul Haq and Maulvi Ekramul Huq being analogous, I think I shall put the first one to the Council.

The motion of Maulvi Wahed Hossain was then put and agreed to.

Development of the Port of Chittagong.

Maulvi MD. NURUL HAQ CHAUDHURY: I move that this Council recommends to the Government that a loan of Rs. 50,00,000 be granted to the Port Trust of Chittagong for the development of the Port of Chittagong.

In moving this resolution I will deal with it in its four aspects: First I will deal with its ancient history, secondly with its political activities, thirdly its economy and fourthly its relation with the railway administration of Assam Bengal Railway. Sir, before the birth of

Calcutta as a port, Chittagong was known to all the world over as the port *la grande*. Sir, great Chinese travellers like Heuen Tsang, and the great Arab historian and traveller like Ibne Batuta came to India by this port which was then known as the Grand Port. Sir, the Arabs came to the East and to the East of India by this Port. Further, the Portuguese also came to India by this Port.

I come now to the political aspect of this Port. When the partition of Bengal was effected, Government wanted to make Chittagong the capital of the East Bengal. But for some reasons or other Dacca was made the capital and Chittagong was given to understand that it would be made into a first class port. Twenty years have passed since then, but Chittagong is at present as she was before and now the Port is almost dying. Sir, nobody likes to pay attention to the Port of Chittagong because they all gave their attention to Calcutta as the second port in the Empire. But, Sir, Chittagong deserves, on account of its political consideration, a much more liberal treatment at the hands of Government than what it has been in the past. Government appointed two great authorities—Sir George Buchanan and Sir Francis Spring who are the makers of the two modern ports of Rangoon and Madras respectively to examine into the conditions of the Port of Chittagong and both of them were of opinion that the Port should be made available for all ocean-going vessels for a draught of 21 feet. At the present moment there is a small dredger *Karnofuli* which is not capable to cope with the fast silting up of the river at the Port. There are 3 bars at the mouth of the river Karnofuli. There is the *outer bar* and there is the *inner bar* which is deeper than the outer bar. There is another bar named *Gupta Bar* which is deeper than the inner bar. In order to have big steamers brought into the Port the outer bar has got to be excavated; the silt should be cut into and thrown on the embankment or better still into the sea. The present dredger is unable to cope with the work and consequently during spring no big steamer can come into the port. The sum of Rs. 50,00,000 which I ask has for one of its objects the purchasing of a dredger of sufficient draught so as to make the channel navigable throughout the year. If steamers of deep draught are allowed to come into the Port there would be more trade for Chittagong with the rest of the world. I will give you certain facts and figures which will eloquently prove that the trade is expanding—both import and export trade. In 1923-24 the total amount of exports in tea, jute and rice was 8 crores 33 lakhs and 8 thousand. In the year 1924-25 it rose up to 10 crores 43 lakhs and 57 thousand. With regard to the import in 1923-24 the figures were 1 crore 28 lakhs and 92 thousand and 1924-25 2 crores 86 lakhs and 40 thousand. There are, besides, import and export of a minor nature; and at the present day in 1924-25 the figures for export and import combined are about 15 crores—to be exact 3 lakhs less than 15 crores. The Government of India stated that if for three successive years import and export of a port come up to 15 crores then that port would be declared

as a major port and the Government of India would take it under its own control. What we now ask for is this: a loan would be provided by the Government of India but this Council would ask this Government to guarantee a sum of three lakhs, the interest of the loan. The Government of India further stated that if the Port is declared a major port, then the amount that would be spent by way of interest on the loan from date would be paid by the Government of India to the Provincial Government. Sir, as the trade of Chittagong is increasing and in no distant date it is going to be declared a major port, I do not think that there should be any apprehension in our minds that whatever money we may spend now by way of interest may not be given to us by the Government of India. We would get back all our money from the Government of India within a very short time. At the same time I may say that the interest would be paid from the income of the Port Trust Funds.

I now come to the economical aspect of the question. Chittagong has got a railway centre which is linked up with the Provinces of Assam and Eastern Bengal. It has got over 800 miles of railway and the Assam Bengal Railway is a guaranteed State railway, that is, the Government guarantees that 3½ per cent. interest on the capital would be paid by the Government although the railway was not able to make this profit. This means that the Government are bound to pay the interest on a sum of 19 crores which is the capital spent on the Assam Bengal Railway. Sir, if the trade of Chittagong increases there is every reason to believe that the income, not only of the Port but also of the railway, would increase. In that way the interest on the sum that has been spent on the railway would be lessened and consequently the taxpayers' money would be saved for expenditure in many other beneficial directions. It may be, Sir, that there would be more profit for the railway and in that way Government would also be relieved of a large amount of interest which the Government is bound to pay under the guarantee. So, Sir, the improvement of the Port of Chittagong is linked up with the improvement of the railway and the railway can also open up new feeder lines provided the railway can give facilities to trade, and there is a well-known saying that trade follows facilities. Until and unless there are facilities for trade, trade will not come. Hence the improvement of the Port and that of the railway are interrelated or rather interlocked.

Sir, I now deal with the economic aspect. You know very well that sometimes on account of excessive rain or on account of flood or drought there is a very poor outturn of paddy crops in East Bengal, then it has to face famine, and if we cannot export or import the paddy and rice to and from Burma, it will be impossible for the people of Eastern Bengal to live and they are sure to die of starvation. Sir, in the year 1923-24 the amount of rice and paddy that was imported into Chittagong was to the extent of Rs. 6,93,000 while in the year 1924-25 when there was

less favourable crop we had to import Rs. 79,16,000 worth of paddy and rice. So, Sir, both from the economic and humanitarian points of view we ought to provide this loan for the Port of Chittagong because ultimately the benefit would be to the people. Sir, when so many things are inter-related with each other economic, political and other considerations, I submit most respectfully that the Council ought to pass this resolution so that the Port of Chittagong may be developed.

Mr. B. J. CORCORAN: Mr. President, Sir, I rise to support the resolution just moved by my friend Maulvi Md. Nurul Huq Chaudhury.

I have been asked to express in this Council the views of many whose very earnest desire it is to further the development of the Port of Chittagong, which development should react very favourably on trade in the eastern districts of this province.

For many years the Port of Chittagong has been greatly handicapped in not possessing river dredging plant of sufficient capacity and power to cut and maintain a channel through the river bars which will permit of deep draught ocean-going steamers using the Port at all seasons of the year.

The Port possesses a dredger which is quite incapable of dealing practically with the problem of the Port approaches, and the provision of funds for the purchase of more powerful dredging plant and upkeep of same for a period is a matter of grave and immediate concern, not only to the Chittagong Port Commissioners but also to the Assam Bengal Railway Company whose interests with those of the Port are very closely interlocked.

From time to time the Port of Chittagong has received grants from successive Governments totalling roughly 53½ lakhs of rupees, a large proportion of which sum has been spent on revetment work and the purchase and maintenance of the existing dredger which, as I have already stated, is now quite incapable of keeping open the Port approaches for deep draught vessels at all seasons.

Hitherto the Port of Chittagong has managed to carry on, in a fashion, by the aid of these Government grants or "doles", but public opinion in Eastern Bengal holds it is high time that the Port should be developed on sounder lines, by which I mean that initial funds should be found to place the Port on its own legs and enable it eventually to attain to the status of a self-paying proposition.

Had a far-seeing policy been adopted by those in high places in bye-gone years the Port might to-day have had valuable assets in the form of properties and the revenue from a much larger volume of trade than passes at present on the security of which the Port Commissioners could have raised a substantial loan in the money market if such were found to be necessary, and as is now actually the case.

As things stand the Port Commissioners could not possibly float a public loan on the security of their present assets and for this reason, Sir, and bearing in mind the urgency of the situation, I earnestly request the Members of this Council to lend the support of their votes to the Chittagong Port resolution.

It will naturally be asked how the money is to be spent and I shall try and explain this as briefly as possible.

Full details of the type of dredger required are not actually settled, but bearing in mind the recommendations of Sir George Buchanan, it appears from the Chittagong Port Engineer's note on the subject that the most suitable type of vessel for the work required in the Chittagong river would be a sea-going trailing cutter suction hopper dredger, hopper capacity 2,000 tons, pump capacity 2,000 tons per hour in free lifting material with 30-inch suction pipe fitted with a rotary clay cutter.

A part of the general scheme is the provision of a slipway with hauling gear and travelling carriage to provide facilities for carrying out repairs, etc., to the dredging plant and to sundry vessels visiting the Port, and for this purpose land has already been acquired.

The total cost of the new dredging plant is estimated at Rs. 24,59,487, and that of the slipway at Rs. 6,00,000, a total of Rs. 30,59,487.

A five-years' dredging programme commencing from the date of placing of order for the dredger has been outlined by the Port Engineer, Chittagong. At the end of that time it is anticipated a deep channel will have been cut through the bars which channel can be maintained at comparatively light annual cost.

During execution of the dredging scheme, the maintenance establishment and working costs of the dredger will amount to an annual figure of about Rs. 3,41,250 for 4 years, say a total of Rs. 13,65,000. Provision for this expenditure is meantime beyond the resources of the Port Commissioners and they propose to treat same as capital expenditure, making disbursements for same from the proceeds of the proposed loan.

The construction of a slipway has not been definitely decided upon, but in case this scheme is dropped there will, on balance, be little or no saving on the estimated cost of Rs. 6 lakhs, as alternative provision will have to be made for cost of periodical dredger repairs in Calcutta, insurance of the vessel while in transit, etc.

Government have recognized the claims of the Chittagong Port to financial assistance, and in their deliberations have justly given great weight to the recommendations embodied in the reports on the development of that Port by Sir Francis Spring and Sir George Buchanan. Both of these gentlemen, to whose organizing power and administrative ablity the ports of Rangoon and Madras to-day owe so much, are emphatically of opinion that money spent on the Port of Chittagong will be amply compensated by the increase in trade which will follow on the

provision of more attractive port facilities. The opinion of these two great authorities is unanimous and empathic and may be accepted without question.

Negotiations with a view to finding ways and means to provide the finance necessary for Chittagong Port development have for six years been proceeding between the Central and the Local Governments, and I am given to understand that these negotiations have now taken concrete shape.

I therefore appeal, Sir, to the members of the Council to pass this resolution, so enabling the Chittagong Port to commence working out her own salvation on sound and businesslike lines.

Babu DEBI PROSAD KHAITAN: I rise to support this resolution. My friend, Mr. Corcoran, has given the details of the requirements of the Port of Chittagong. What I feel is that if trade and commerce are to develop in this province, it is necessary that port facilities and transit facilities must be provided. Just as in the case of education it is necessary to multiply Universities if education is thoroughly to spread in the province, so also in the case of trade and commerce it is necessary that Port facilities should be given to trade and there should be as many ports as possible. There is another reason why I think that the Port of Chittagong should develop. The nearer the ports are situated from the places of consumption and produce, the cheaper will be the cost of transit and the people of the province will be placed at a greater advantage. For example, in the case of the export of jute, if the transit expenses are less, the cultivators will necessarily at the end derive more profits for their products than they would otherwise do. Similarly, in the case of imports of other materials, if the transit expenses are less, then necessarily the consumers will get their materials at a cheaper cost than they otherwise would. Furthermore, Sir, in order that Indians may find greater advantages in carrying on their trade, it is necessary that there should be as large a number of trading centres as possible. Calcutta alone is much too few in regard to the large province of Bengal and Assam that Calcutta has got to serve. In addition to Bengal and Assam Calcutta has got to serve the hinterland provinces such as Behar, United Provinces, Punjab and the rest. It is desirable that for the development of trade and commerce in Eastern Bengal and Assam and in the eastern portion of West Bengal the Port of Chittagong should be developed, and I hope Government will see their way to adopt this resolution and carry it into execution as early as possible.

Babu NALINI RANJAN SARKER: As I understand that Government is going to accept this resolution I want to make it perfectly clear that the service of this loan, *i.e.*, the interest and sinking fund charges must not be charges on provincial revenues. They must be charges on the Port of Chittagong.

Babu AMULYA DHONE ADDY: I am sorry I cannot but oppose this resolution which has been moved by Maulvi Md. Nurul Huq Chaudhury. If it be a recommendation for a loan from the Government of India, then I have no objection, but as it appears to be a recommendation for a loan of Rs. 50 lakhs from the Government of Bengal, I cannot but oppose it. I entirely agree with my esteemed friend Mr. Khaitan that it is absolutely necessary for the development of trade and commerce that the Port of Chittagong should be materially improved, but I beg to submit that we should consider whether the provincial Government is in a position to grant a loan of Rs. 50 lakhs to the Port Trust of Chittagong. Sir, it appears from the budget of the current year that there would have been a deficit of about Rs. 30 lakhs, had not this Government been favoured with the remission of the provincial contribution of Rs. 63 lakhs by the Government of India. Now this relief is not for good but for three years only, and I am afraid it may be withdrawn by the Government of India after three years, and if it is withdrawn, what will be the state of the finance of this Government? There will be a heavy deficit. Can you expect any person to finance a loan in case of deficit? Unless and until there is a surplus revenue you cannot expect any person to advance a single farthing to anybody even to a Government. Therefore it is not advisable on the part of this Government to grant a loan of Rs. 50 lakhs to the Port of Chittagong. Sir, it is well known that for the construction of the new Howrah Bridge, though the estimate is more than 6 crores of rupees, there is not the slightest doubt that the actual expenditure will be increased by one or even two crores. I think it would be our primary duty to provide the necessary funds for the construction of this bridge. Therefore I beg to submit that instead of providing this money to the Port Trust of Chittagong it will be more advisable for us to provide it for the sanitary improvement and further development of education in Bengal.

I must say that it is the duty of the Government of India to grant this loan because it is that Government which is vitally interested in this matter. First of all the Government of India realise a very heavy amount of revenue as customs duty from the Port of Chittagong and, secondly, the Government of India is vitally interested in the improvement of the revenue of the Bengal-Assam Railway which belongs to the said Government. Under these circumstances I do not think we shall be justified in recommending the Government of Bengal to grant this loan. On the contrary I would advise my friend the mover of the resolution to make a representation to the Government of India and not to this Government.

The Hon'ble Mr. T. EMERSON: The Government of Bengal have never lost sight of their responsibility for the improvement of the Port

of Chittagong. Between the years 1903-04 and 1919-20 Government money to the extent of over 53½ lakhs has been spent on the Port, and it is recognised that to get full value for this expenditure the Port should get the loan now asked for its development. The conditions on which the Government of India would grant a loan of Rs. 50 lakhs for the development of the Port of Chittagong are—

(*i*) that the loan should be issued at the ordinary rate on which loans are made to provincial Governments;

(*ii*) that the payment of the interest by the Port Commissioners should be deferred for 10 years;

(*iii*) that the local Government should not have to contribute to the sinking fund for 10 years; and

(*iv*) that the term of the loan should be 60 years.

The trade of the Port of Chittagong, according to the last annual report, is very nearly Rs. 15 crores. In the year 1923-24 the trade amounted to just over Rs. 11 crores and in the year 1924-25 it has risen to very nearly 15 crores. At that rate of progress it is obvious that the development of the Port should be assisted in every way by Government. It is doing its best for its own improvement and it ought to get the outside assistance it requires for accelerated development. According to the decision of the Government of India, when the trade of the Port has reached an average of Rs. 15 crores per annum over a period of three years the Port will become a major port, whereupon the payments of the Government of Bengal to the Government of India will cease and the principal together with the interest will be returned to the Bengal Government and the management of the Port thereafter will be in the hands of the Government of India. The Government of Bengal consider these terms fair and just and recommend them for the acceptance of the Council. Government, therefore, accept the resolution moved by Maulvi Md. Nurul Huq Chaudhury.

Babu NALINIRANJAN SARKER: Sir, I want some information.

The Hon'ble Mr. T. EMERSON: I forgot to reply to Babu Naliniranjan Sarker's enquiry. The payment of interest by the Port will be deferred for 10 years but at the end of that period the Port will pay to the local Government the accumulated arrears of interest.

Dr. PROMATHANATH BANERJEA: But what about the sinking fund?

The Hon'ble Mr. T. EMERSON: The sinking fund charges as well will be paid by the Port.

The motion of Maulvi Md. Nurul Huq Chaudhury was then put and a division taken with the following result:—

AYES

Addams-Williams, Mr. C.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Banerjee, Rai Bahadur Abinash Chandra.
Birley, Mr. L.
Chaudhuri, Maulvi Saiyed Abdur Rob.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Md. Nurul Huq.
Corcoran, Mr. B. J.
De, Mr. K. C.
Dey, Mr. G. G.
Dutt, Mr. G. S.
Emerson, the Hon'ble Mr. T.
Forrester, Mr. J. Campbell.
Gafur, Maulvi Abdul.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hoque, Maulvi Sayedul.
Hossain, Khan Bahadur Maulvi Musharruf Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
James, Mr. P. E.
Khaitan, Babu Debi Prosad.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Moreno, Dr. H. W. B.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaje.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Stephenson, the Hon'ble Sir Hugh.
Tarafdar, Maulvi Rajib Uddin.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Barma, Rai Sahib Panchanan.
Das, Babu Charu Chandra.
Dass, Rai Bahadur Pyari Lal.
Guha, Mr. P. H.
Haidar, Mr. S. H.
Masih, Mr. Syed M.
Mitter, Sir Provash Chunder.
Mukerji, Mr. S. C.
Pahlewan, Maulvi Md. Abdul Jubbar.
Ray, Babu Nagendra Narayan.
Roy, Raja Manilall Singh.
Sarkar, Maulvi Allah Bukhsh.

The Ayes being 43 and the Noes 15 the motion was carried.

Reclamation of the Bhairab and other dead rivers of Jessore.

Maulvi ABDUL QUADER: The resolution which stands in my name runs thus:—

"That this Council recommends to the Government that proper steps be taken for the reclamation of the Bhairab and other dead rivers of Jessore."

I wish the resolution had been in the hands of abler persons than myself. But even persons like my humble self have a duty to do. I am grateful to my colleagues in Council, Babu Hemanta Kumar Sarkar and Babu Taraknuth Mukherjea, for having agreed to withdraw their amendments to this resolution.

As it is well known, the district of Jessore, specially its western and south-western portion comprising the subdivisions of Sadar, Jhenidah and Bangaon, are extremely unhealthy and are the hot-beds

of malaria and cholera. Two European Malarial Experts who visited the district of Jessore some ten or twelve years ago found that 80 per cent. of the population residing on the banks of the Bhairab had enlarged spleens. The population of the district of Jessore which was nearly 21 lakhs in the year 1871 has now dwindled down to 17½ lakhs as found in the last Census Report. Most of the people of my district who are alive are more dead than living as I remarked in my Budget speech in February, 1924. If anopheles is the cause of malaria then you cannot imagine a more fertile breeding ground for them than the dying rivers of Jessore which breed millions and tens of millions of these anopheles and bring on untimely death of its unfortunate victims.

The subject of the improvement of the rivers of Jessore has been before the Government for more than half a century. But the "Steel Frame" of the Bureaucracy is hard to-day as it was years ago and practically nothing has been done in spite of all the co-operation of the people of Jessore headed by our distinguished and well-known countryman, Rai Jadu Nath Mazumder Bahadur, C.I.E., who told His Excellency Lord Ronaldshay, when he paid a visit to Jessore in November 1920, that it was not possible for the people to co-operate with any Government which was not responsive. High expectations were raised in the minds of the people when the Jessore Drainage Division was brought into existence by H. E. Lord Carmichael, and later on when Lord Ronaldshay assured them that the matter would be taken in hand before he would leave the Province. But the matter stands where it was. Some time ago the people of Jessore were given to understand that our able Irrigation Secretary and Expert, Mr. Addams-Williams, had been asked by His Excellency Lord Lytton (when he paid a visit to Jessore in January last) to get the scheme for the reclamation of the Bhairab ready within two months. It is not only the Bhairab that requires attention but all the other rivers of the district such as Ichhamati, Jamuna, Betna, Chitra, Navaganga, Kumar Barasia and their numerous branches require looking after. But after 7 months in reply to the question put by Babu Jogendra Nath Mitra, M.L.C., Government has informed us on the 14th of August last that the Bhairab scheme is completed and that Government propose to meet the cost of carrying it out under Act VI of 1920, but that it does not consider the desirability of making any provision in the next Budget.

At one time our engineers were of opinion that deltaic rivers were destined to die. But science has made considerable progress and deltaic rivers are no longer considered incurable patients. "God has given us rivers", as Sir A. Cotton, the great river expert has said, "but he has left something for men to do": Rivers which are the properties of Government cannot be interfered with without their permission and their supreme indifference accounts for the present decaying condition of the rivers not only of Jessore but of other parts

of Bengal. It is well known that, Government has always been partial to railways to the sacrifice of rivers. The people of Nadia recently held a conference for the improvement of their rivers and the people of Jessore are going to have a similar conference on the 23rd of August next. But all these conferences will prove abortive if the Government continues to flout public opinion as in the past. The patience of the people is almost exhausted and it is high time that the authorities responsible for the existence of the present state of things should seriously turn their attention to the improvement of the dying rivers of Jessore and other districts of the Presidency Division such as Murshidabad and Nadia as the rivers of the Presidency Division are all inter-connected and they all get their supply of water from the Ganges. Half-hearted measures are destined to failure and any scheme that may be decided upon to improve the Bhairab and other rivers of Jessore must provide for the direct supply of water from the Padma. Not being an expert it is impossible for me to enter into minute details and all that I can say is that the rivers if improved will fertilise the soil by depositing silt during the floods over the low lands and add to the agricultural wealth of the country. They will kill mosquitoes by flushing the whole country. They will supply good drinking water for men and cattle and prove a cheap transport for goods and passengers. It is a mistake to suppose that Bengal has more water than she is in need of. The western and central parts of Bengal at least are in need of more water than they have at present. They suffer from want of water during the dry season and excess of water during the rainy season. We are guilty in the eyes of God and man in allowing the water that Heaven gives us to run into waste. The water that flows down the Padma to the sea must be reserved for the use of people and our Government should be expected to find ways and means. These rivers may be canalised and the indirect taxation in the form of tolls will be more than sufficient to repay the loan that might be advanced by the Government. It is a matter of extreme regret that Government is not yet fully alive to the necessity of reviving the dying rivers of Bengal and it can safely be predicted that if the Government obstinately continues to be obdurate the result will be extremely disastrous for the people.

Now I come to further particulars about Bhairab. In the seventies of the last century the late Mr. Munro, then Magistrate of Jessore, made some effort for the amelioration of the condition of the Bhairab, but on account of some unforeseen events he could not do anything in the matter. Then since the eighties of the last century Rai Jadunath Majumdar Bahadur, the most public spirited gentleman of Jessore, has been agitating incessantly over the matter by loyally co-operating with the Government and making all sorts of detailed researches, investigations and schemes for more than 35 years for which

he has rightly earned the gratitude particularly of the people of Jessore and of the neighbouring districts of the Presidency Division. He never let the grass grow under his feet and it is mainly on account of his great efforts that several previous rulers of Bengal, *viz.*, Sir John Woodburn, Sir Andrew Fraser, Lord Carmichael and Lord Ronaldshay, studied the various details of the Bhairab project, visited Jessore several times and made solemn promises to the people of Jessore through the Rai Bahadur to do great things for the reclamation of the Bhairab and other dead and dying rivers of Jessore. But all those pledges are still unredeemed and the people of Jessore find that their rulers tried to please them with soft and oily words without really doing any good to them. Many expert engineers like Mr. Machonchy, Mr. Huntingford and Mr. Addams-Williams have made various schemes on various occasions but those schemes have not yet materialised. Of course our Rai Bahadur had many schemes and projects and he had many differences with official engineers and experts, but at present all those differences have been made up and the official and non-official experts are now agreed on all important points. The three or four complementary parts of the Bhairab project, as are shown from the speech of His Excellency Lord Lytton at Jessore during his visit to that place in January last, are now accepted both by Mr. Addams-Williams and by the Rai Bahadur. The cost of the second part was first estimated at Rs. 63½ lakhs as I find from His Excellency's speech, but now I understand from Mr. Addams-Williams' letter to Rai Bahadur that the expenditure will not be more than 25 lakhs. So the entire cost of the Bhairab project cannot exceed more than 40 lakhs of rupees including the cost for the 2- or 3-mile cut between Matabhanga and Navagunga. This year my worthy colleague in Council Babu Jogendra Nath Mitra in his budget speech strongly urged upon the Government to take up the Bhairab project as early as possible and the Hon'ble Member in charge of the Irrigation Department personally assured him that he would try his best in the matter. So the taking up of the project by Government is long overdue and Government should prove its sincerity by promptly acting in the matter. Now the question arises, whence the money is to come? Government may or may not give anything from the provincial revenue for it is well known that the pecuniary embarrasment of the Bengal Government will not disappear so long as the present system is not mended or ended. But the people of Jessore and the neighbouring districts cannot wait indefinitely for the change of the system to enable the Swaraj Government hereafter to take up the project. So the present Government must find ways and means to take up the Bhairab project promptly. The only one course left for Government is to raise money by loan if they cannot give any provincial contribution. Under the Devolution Rules the Bengal Government can raise loans without referring the matter to the Government of India. The whole amount of money, *viz.*, Rs. 40 lakhs, will not be required all at once. As the

whole project will take several years for completion so the money may be raised gradually. If for the better housing accommodation of the Calcutta police, who number a little over five thousand and who are sufficiently paid, Government can raise a loan of seventeen lakhs because the Bengal Legislative Council has not sanctioned the expenditure out of the provincial revenue, is not the bureaucratic Government irresponsible though it might be—morally bound——

Mr. PRESIDENT: Maulvi Saheb, I should like you to confine your remarks to the subject-matter of your resolution. I think you should avoid expressions like " irresponsible " and so on.

Maulvi ABDUL QUADER: Very well, Sir, I say the Government is bound to save 40 lakhs of the people of Jessore and sister districts who are vitally affected by the stagnation of the Bhairab and other dead rivers by raising loans amounting to not more than Rs. 40 lakhs? Surely the Bhairab project is one which is morally backed by the people of Bengal and which demands the first and foremost attention on the part of Government. Government should discharge its moral responsibility to the people by promptly raising the loan without losing a single day. Is it too much for the 40 lakhs of people to expect Re. 1 per head as loan for the amelioration of their condition in various ways? No. They can justly demand it as an act of bare justice on the part of Government. Moreover, they can further claim a substantial contribution from the provincial revenue. As the matter is very urgent and is a question of life and death to the 40 lakhs of people, I strongly urge upon the Government not to disappoint them this time.

But the reply which Government has recently given to the question put by Babu Jogendra Nath Mitra in this August Session stated above is most disappointing. After years of broken promises and unredeemed pledges Government formulates and completes the scheme for reviving the dead and dying rivers of Jessore but they do not intend to make any provision in the coming Budget. Probably the reply will be that we shall have to go through all the circuitous and cumbrous procedure under Act VI of 1920 and so no provision might be made by Government in the ensuing loans Budget. But why not expedite the matter and see that provision is made in the loans Budget? Moreover, the people of Jessore can justly claim for the Bhairab project a substantial contribution from the provincial revenues. As the total cost of the project would be nearly Rs. 40 lakhs Government may give a part of it by way of provincial contribution and provide for it in the Budget to be presented in February next. In the meantime all the formalities which are to be observed under the Act VI of 1920 might be finished as quickly as possible under instructions from Government to enable it to make provision in the coming loans Budget also. So there will be no difficulty in making two kinds of provisions in the coming Budget

for the Bhairab project if the Government is sincere and wishes for the real welfare of the people. The other day we found that the Dacca University (Amendment) Bill was rushed through by Government with unusual haste to make a permanent and substantial provision for the Dacca University when every year the Council votes for the capital and recurring expenditure of the said University.

Dr. H. W. B. MORENO: Sir, is the hon'ble member entitled to refer to the Dacca University Bill while speaking on his resolution?

Mr. PRESIDENT: I have already asked the mover not to refer to these controversial matters. I would again tell the Maulvi Saheb that he is fishing in troubled waters.

Maulvi ABDUL QUADER: If Government thinks that they should be prompt in affording relief to Universities by providing for them in the Budget, is not the Government more in duty bound to save 4 millions of malarial and unhealthy people, mostly agriculturists, by making some provision in the next Budget and thus begin the work in right earnest? Surely the time is most opportune for Government to work sincerely in the matter as the provincial contribution of Rs. 63 lakhs to the Government of India has been remitted for another three years. If Government lose this opportunity of doing good to the poor and emaciated people of Jessore and Nadia there is no knowing that these comprehensive schemes for the reclamation of the Bhairab and other dying rivers of Jessore will not be thrown into the waste paper basket and the matter will not be shelved for a decade or so.

For these reasons, I hope Government will accept my resolution and take prompt steps for the reclamation of the dead rivers of Jessore (however circuitous the procedure under Act VI of 1920 might be) and make some provision in the coming Budget both by way of contribution and by way of loans to enable the work to be begun with as little delay as possible.

The following amendments to the resolution of Maulvi Abdul Quader were not moved:—

Babu TARAKNATH MUKERJEA to move, by way of amendment, that to motion No. 7 the following be added at the end, namely:

"and that the question of re-excavating other important dead rivers of the province be also taken into serious consideration."

Babu HEMANTA KUMAR SARKAR to move, by way of amendment, that in motion No. 7, line 3, for the words "of Jessore" the words "within the Nadia Rivers Division" be substituted.

Babu JOGENDRA NATH MITRA: Sir, I support the resolution which has been moved by my hon'ble friend, Maulvi Abdul Quader. The mover of the resolution has very clearly informed the House how

the dead river Bhairab is creating havoc in the district. Its population has decreased by over two lakhs within the last forty years and those who are still living are almost half-dead.

Cholera, malaria and kala-azar are virulently spread all over the district. The sources of the supply of drinking water are gone. The waterways are silted up. Jessore being a river district the obstruction of the waterways has affected its prosperity. The people of the district have thus lost their health and wealth. So far back as in the earlier sixties of the 18th century our illustrious countryman, the late Babu Sisir Kumar Ghose of revered memory of the *Amrita Bazar Patrika*, set on foot a movement for the reclamation of the dead river Bhairab. Mr. Munro was then the District Officer and Mr. Okeanally, Joint Officer of Jessore. During this time a pretty large amount was raised by public subscription. With this sum the Government was approached for contributing the balance and taking up the reclamation of the river. The Government not taking any action the amount collected by subscription was subsequently made over to the Orissa Famine Relief Fund. Since then at every opportunity the Government have been pressed for taking action. The enormity of the evil caused by the dead river has been ventilated in the press and public platforms. Some schemes were prepared by the Jessore Public Works Department Drainage Division during the administration of Lord Carmichael but no effect was given to them. Lord Ronaldshay uttered words of promise to the ears of the people but afterwards they were broken to their hearts.

In answer to my questions the Hon'ble the Member in charge of Irrigation has recently said that the scheme for the reclamation of the river Bhairab is completed but the Government is not yet in a position to make any provision in the Budget estimate of the next year for carrying out the scheme as the procedure under Act VI of 1920 (B. C.) has not yet been completed and the project has not yet been submitted by the Commissioner. As the scheme, which is the most difficult part of the work, is ready the procedure to be followed before submitting the scheme through the Commissioner to the Government is not expected to take much time. If the Government at all desire to expedite the matter all the steps laid down by the legislature under sections 9, 10, 11, 12 of Act VI of 1920 (B. C.) may be taken at once and fulfilled before the preparation of the Budget estimate of the next year. In view of the emergency of the question I hope action may be taken at once so that provision may be made for funds in the Budget estimate of the next year.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I rather welcome this resolution. This gives me an opportunity of explaining the position of the Irrigation Department as to what it is doing regarding the dead or dying rivers of Jessore.

In view of the great interest taken in the Jessore district in regard to the condition of the rivers in that district I think it would be desirable for me to say a few words to explain the present position. In regard to the Bhairab river there are three projects under the consideration of Government. First, there is a project for the upper reaches between the Matabhanga and Tahirpur. A detailed project has been prepared and amounts to Rs. 15½ lakhs inclusive of departmental charges (Rs. 2¼ lakhs) and the capitalised cost of maintenance (also Rs. 2½ lakhs). The cost of works and land acquisition is therefore Rs. 11 lakhs. This project is now under examination.

The second project will deal with the Bhairab to the east of Tahirpur down to the Ufra khal. It is on this portion of the river that the town of Jessore stands. There have been considerable engineering difficulties to overcome in designing this project because sub-soil water levels are high and the crossing of the Chitra river presented a difficult problem.

All difficulties have now been overcome and the cost of the project has been reduced from Rs. 63½ lakhs to Rs. 25 lakhs inclusive of departmental charges (Rs. 3 lakhs), and capitalised cost of maintenance (Rs. 2 lakhs). The scheme will supply 2,000 cusecs of water to this old river for about 4 months in the year and the supply will be derived from the Nabaganga; about 45 miles of the Bhairab will be flushed and water will also be available for supplementing the discharge of the Chitra. This project is now ready.

The third project is a smaller one and is situated in the angle formed by the Afra khal and the Bhairab and provides for supplying an additional volume of silt-laden water to the lower reaches of the Bhairab above the Afra khal, and incidentally will regulate the levels in the Jaleswar bhil. The surveys in connection with this scheme have been completed but the project has not as yet been complied.

Turning to the Nabaganga, the upper reaches of the river have been surveyed in order to ascertain whether water can be supplied from the Matabhanga and the best alignment for the feeding channel. The scheme has been examined carefully and has been found to be feasible, but the question of passing the water under the main line of the Eastern Bengal Railway remains to be settled. A new bridge appears to be called for; this matter has recently been referred to the Railway authorities.

On the north-east side of the district the question of improving the Muchikhali khal has often been raised. It may be taken as a fact that this khal is dead for all practical purposes, and it would silt again very rapidly if cleared. Government do not, therefore, propose to take any further action in this case.

One more item may be mentioned; complaints have been received on several occasions that passenger steamers were not able to keep up

connection with Magura throughout the year, and suggestions have been made to dredge the shoals in the Nabaganga below the town. Dredging is a costly work and before resorting to this method it was decided to see what the effect of a few bandals would be. Bandalling was therefore tried last year but was commenced late in the season. In spite of this, the communication was kept open well into December instead of being closed early in November. The work will be taken up this year at the proper time and money has already been allotted for the purpose.

This, then is the position at the present moment. As action is being taken in all these matters I have no hesitation in accepting this resolution.

The mover has asked me to expedite the matter. But, Sir, it is not for the Government to expedite the matter but it is for the local bodies to do so. As soon as they send up the financial proposition to this Government, we will consider what help the Government can render and examine the projects on all their bearings. I would, therefore, ask the mover that when he returns to Jessore, he should get the district and the local boards interested in the matter so that their proposals may come up to Government as early as possible.

The motion of Maulvi Abdul Quader was then put and agreed to.

Grant to the Calcutta University.

Babu KHAGENDRA NATH GANGULY: I move that this Council recommends to the Government that an annual recurring grant of Rs. 3,00,000 be made to the Calcutta University to facilitate post-graduate studies and research.

Sir, similar resolutions have been tabled in the Addenda paper by some other members—some of these eminent gentlemen are closely connected with the University and I am sure they will be able to deal with the subject in a better way than I can hope to do. But in this connection I cannot resist the temptation of quoting a few lines from a memorable speech delivered by Lord Lytton at a meeting of the Senate on the 14th of June last:—

Let me remind you again that the greatest achievement of Sir Ashutosh Mookherjee's life was the transformation of the Calcutta University into a centre of advanced instruction and research. This was the work nearest his heart, the work on which he spent his energies to the very limit of his endurance, and what worthier memorial to his memory can we conceive than endowment of that Post-Graduate Department which he created. Let each one of us severally resolve that this cherished creation of his life shall not suffer because he has left us. Gentlemen, while his great work is still fresh in our minds, while we almost seem to see him sitting in our midst and can still hear the echoes of his commanding voice let all differences be forgotten, all mistakes forgiven, let us resolve to build over his ashes a temple of reconciliation. Let us unite in the common determination to work together for those changes which are inevitable, if our University is to keep its fair name before the world. Let the foundation-stone of that temple of reconciliation be a joint and common purpose to receive the teaching University

of Calcutta as a sacred trust from his dying hands, and in the years to come, whatever changes may be found essential in the general organization of the University, to allow nothing to threaten its stability, its prosperity, its freedom or its future development

Sir, these are noble words nobly expressed for the amelioration of the position of the Calcutta University and we can ask for no better memorial for the great educationist Sir Ashutosh Mookherjee than to advance the interest of his cherished institution by giving a substantial grant for the post-graduate studies and research. With these few words I commend my resolution for the acceptance of the House.

Babu NALINIRANJAN SARKER: I move that this Council recommends to the Government that an annual recurring grant of Rs. 3,00,000 be made to the Calcutta University to enable it to carry on post-graduate studies and research.

In moving for the provision of an annual recurring grant of Rs. 3 lakhs for the Calcutta University I feel that much of the difficulty in the way of the acceptance of my motion is removed in view of the fact that, as the Dacca University debate has shown, the angle of vision in connection with University grants seems to have changed. The acuteness which has hitherto characterised this angle has expanded into obtuseness in the case of the Dacca University and it may be hoped that it will at least be a right angle in the case of the premier University of India. In fact the member in charge, Sir Abd-ur-Rahim, was so much moved with the idea of giving autonomy to the University with perfect freedom from outside interference in regard to its internal management, that he could not even brook the delay of referring it to a Select Committee. In fact his anxious soul could know no peace unless he could see his idea carried into effect during the few remaining days of his official life.

If this attitude of Sir Abd-ur-Rahim is an index of a genuine expansiveness on the part of the Government by reason of which their hitherto withered hand (in your language, Sir,) is now being seen distended with preferred gifts to the Dacca University, I feel sure that the same hand will not be closed again into a fist in the case of the Calcutta University.

The fact that the Calcutta University has been suffering from financial difficulties has been public property for some years, and it is also well-known that this University is what it is to-day on account of the "immense energies, organising genuis and administrative powers" of Sir Ashutosh Mookherjee. I do not intend to rake up the history of the disputes which arose between the University and the Ministry of Education three or four years ago while Sir Ashutosh was alive as the controversy has now been silenced by frank recognition of the valuable work done under the auspices of the University during the last fifteen

years or so. We all know that so long as Sir Ashutosh was at the helm of the University his vast resourcefulness, his wonderful personality and his unfailing ingenuity carried everything before him, enabling him in the long run to tide over all financial difficulties. But now that he is no more in our midst to pilot the University Ship it is all the more essential that the Government should come forward with financial support if only to redeem the pledges it has so often held out. The Calcutta University has been raised to its present exalted position by a series of magnificent endowments and only a small annual recurring grant of Rs. 3 lakhs is now found to stand in the way of its bare maintenance, by the Post-graduate Reorganisation Committee appointed by the Senate on the 27th September, 1924, which held as many as 70 sittings and consisted of prominent educationists of the province including official members as well. The report of this committee, which was accepted by an overwhelming majority, discloses an average annual deficit of Rs. 3 lakhs after a careful consideration of all possible estimated sources of revenue, including such fluctuating income as contribution from the fee funds. I have said that the Government is promise-bound to render financial help to this University. Allow me in support of this contention to quote from a speech of His Excellency Lord Lytton.

His Excellency said in his last Convocation address:—

> Let me repeat the assurance which I gave you last year that Government will give you whatever financial assistance may be necessary to secure the permanence of this important department of the University.

Is it then too much to expect that this small promise as to a dole of Rs. 3 lakhs should be redeemed and such annual recurring grant be made in favour of the University if only, as a bare pittance, to enable it to make both ends meet.

I do not intend to tire the patience of the House by prolonging the discussion as I feel that all that can be urged in support of the principle involved in my motion has already been said by Sir Abd-ur-Rahim, when laying down the general principle of University administration the other-day. I have only to point out that no principle can claim to be noble, unless it is continuously and uniformly upheld and is manifested in appropriate actions. I will therefore confine my efforts to indicate by this my resolution the channel through which the said noble principle, which poured hope into our appreciative ears only on Thursday last, may have a steady flow. If the Dacca University is full of "possibilities and promises" the Calcutta University has assuredly largely realised them, and perhaps been even overzealous in the pursuit of her ideal of advancement of learning, resulting in the light and leading that Bengal can boast of to-day. May I not therefore feel confident that both Sir Abd-ur-Rahim and the powers behind him, will find all the greater pleasure in fulfilling their plighted words in this instance.

With these few words I put my motion before the House with high hopes of its being unanimously accepted.

Dr. PRAMATHANATH BANERJEA: I beg to move that this Council recommends to the Government that a recurring grant of Rs. 1,00,000, in addition to the recurring grant already voted by this Council in March last, be made to the Calcutta University for the stabilisation of the Post-graduate Department and that a non-recurring grant of Rs. 2,00,000 be made to it for the completion of the Ashutosh Building.

Sir, I believe every member of this Council is aware of the fact that the Calcutta University has been in financial distress for many years past. But I am afraid the acuteness and the magnitude of the distress are not felt outside the walls of the University itself. The teachers of the University are, as a rule, very inadequately paid, and even these inadequate salaries they do not always get regularly. On one occasion, the lecturers did not receive their salaries for three months together. On another occasion, for one full year the lecturers had portions of their salaries held in abeyance. You can easily imagine how great were the sufferings of these teachers. The work of the University suffered for another reason. For want of funds the authorities of the University were unable to appoint lecturers for long periods. At first they were appointed for a year or two years and then for five years. Now, Sir, is any good work possible in such an atmosphere of uncertainty and insecurity? The result was that many of the teachers many of the best teachers were taken away by other Universities by the offer of much higher salaries. The efficiency of the University was thus hampered in various ways. Now, the question is, how long will this state of things be allowed to continue? Has not the state of things, I ask, continued far too long? It is for the members of this Council to answer.

Sir, in September of last year, the Senate of the Calcutta University appointed a Committee of 20 members to go into the whole question of University finances. The plea that had been taken by Government for some time previously was that they were not fully assured of the exact financial position of the University, and it was on the suggestion of Government that this Committee was appointed. This Committee held, as my friend has already pointed out, no less than 73 meetings, and it submitted a Report to the Senate to which a minority note was appended by 4 members. The Senate, in its turn, discussed the Report of the Committee at great length and then accepted it by an overwhelming majority. It should be remembered in this connection that the Senate of the Calcutta University is composed of members 80 per cent. of whom are nominated by the Chancellor. Now, this Senate also accepted without a division a motion demanding a sum of Rs. 3

lakhs recurring from Government, after an amendment asking for Rs. 2½ lakhs had been rejected by an overwhelming majority.

What, Sir, is the financial position of the University at the present moment? The income of the Post-graduate Department, with which alone we are concerned at the present moment, is, according to the budget for the current year, Rs. 3,78,000 and the expenditure of this Department is Rs. 6,34,000. Thus the income falls short of the expenditure during the current year by Rs. 2,56,000, and it has been calculated by the Finance Committee of the University that the average deficit of the University will be Rs. 2,94,000. Therefore, the Senate in order to be able to make both ends meet, desires that a sum of Rs. 3 lakhs annually should be paid out of the public funds. In this connection the assurance which was given by His Excellency Lord Lytton has been mentioned by the two previous speakers. I may add that an assurance to the same effect was also given by Mr. Donald, the then Finance Member.

So far as regards the recurring grant. I now pass on to the second portion of my resolution which asks for a grant of Rs. 2 lakhs for the completion, or rather the erection of the third storey, of the Ashutosh Building. Now this matter has had a pretty long history. The first suggestion for erecting a building on the present site was made in the year 1905. No steps, however, were taken at the time, and it was not until the year 1913 that the property was ultimately acquired by Government. Then a few more years elapsed before the market was finally closed in 1922, and the Government of Bengal approved the general plans of the proposed building. In June of last year a Sub-Committee appointed by the Senate found that it was absolutely necessary to build up to the third storey to complete the architectural features of the building, and the following recommendation of the Committee was adopted by the Syndicate: "That the attention of Government be drawn to the fact that it is imperative to build up at once up to the third storey at least to complete the architectural features of the building at a cost of Rs. 1,97,000." Then, in July of the same year, the University applied to the Government of Bengal for a grant of Rs. 1,97,000.

The Hon'ble Sir ABD-UR-RAHIM: When was that application made?

Dr. PRAMATHANATH BANERJEA: In July, 1924.

But, Sir, the completion of the architectural features of the building is not the main argument in favour of the proposal. The lecture-work of the University is being greatly hampered for want of accommodation. Only a few classes can be held in the new building, and the remaining classes cannot be accommodated in the Darbhanga

Buildings. It has thus become absolutely necessary, in order that teaching work may be properly done, to build the third storey at once. I may point out in this connection that on the 6th June last the Senate named the new premises the Ashutosh Building, and its opening ceremony was performed by Sir John Kerr, the Acting Governor of Bengal. Sir, a generation may be a short period in the life of a nation, but is not a period of 20 years a long one in the history of an educational institution? I am asking for a non-recurring grant of Rs. 2 lakhs for this purpose. I hold in my hand a photograph of this building. Now, I ask Is this building a suitable memorial to the great man who served his country and his University for so many years with unparalleled devotion? I am sure you will regard it as absolutely necessary to finish the truncated pillars so that an ugly building may give place to a fine structure.

Sir, so far as the question of provision of funds is concerned, I may say that there is a large surplus in the hands of Government, as was pointed out by the Hon'ble Sir Abd-ur-Rahim the other day. A recurring grant of Rs. 1 lakh as well as a non-recurring grant of Rs. 2 lakhs may be made out of that surplus. In this connection I should like to invite the attention of the Council to the amount of financial assistance that is received by other Universities in India; I will not mention the Universities of other countries. A sum of not less than Rs. 7,87,000 is obtained by the Lucknow University from the coffers of the provincial Government and the Allahabad University gets no less than Rs. 6,94,000. It is significant in this connection to note that out of a total of Rs. 21,92,000 spent by these two Universities, they get no less an amount than Rs. 15,20,000 that is two-thirds, from the public funds. We also know that a sum of Rs. 1,23,00,000 is going to be spent upon the Rangoon University. It is for the Council to decide whether the demand I am making—a recurring grant of one lakh and a non-recurring grant of 2 lakhs—is a reasonable demand or not? Sir, the Calcutta University has deserved well of the community. Go to any part of Europe or America; the only Indian University they know of is the Calcutta University. It is needless for me to tell the House that the Calcutta University has done good work in the past. I will only say this that given suitable opportunity it will do greater work in the future. With these words I commend the resolution to the acceptance of the House.

Adjournment.

The Council was then adjourned till 3 P.M., on Tuesday, the 18th August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the Provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 18th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council, and 90 nominated and elected members.

Death of Khan Bahadur Mirza Shuja'at Ali Beg.

Mr. PRESIDENT: Gentlemen of the Council, it was only on Friday last that Khan Bahadur Mirza Shuja'at Ali Beg was with us in this Chamber taking part in our deliberations, and now death has, with dramatic suddenness, taken him away from our midst.

The Khan Bahadur, as I knew him, was the perfect type of Muhammadan gentleman, courteous, kindly of heart, with transparent honesty of purpose, and a friend to everybody. Bengal, and especially his countrymen, are much poorer by his death. We shall also miss his kindly face in this Council Chamber.

As a Municipal Commissioner, as the Consul-General for Persia, as a member of this Council, or in whatever capacity he was called upon to serve his co-religionists or his country, the Khan Bahadur gave his valuable services ungrudgingly.

He was decorated by Government for his services to Bengal by the title of Khan Bahadur which was bestowed on him in 1898.

I propose, with the leave of the Council, to send a letter of condolence to the relatives of the late Khan Bahadur.

I would now ask the members of the Council kindly to rise in their places.

[All the members stood up.]

Mr. PRESIDENT: The Council will stand adjourned for the day as a mark of respect to our departed colleague.

Adjournment.

The Council was adjourned till 3 P.M., on Wednesday, the 19th August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 19th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council, 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Supply of Jail Code to visitors of jails.

***XLIV. Babu SATYA KISHORE BANERJEE:** (*a*) Is the Hon'ble the Member in charge of the Department of Revenue (Jails) aware of the inconvenience which non-official visitors of jails feel owing to their not being supplied with a copy of the Bengal Jail Code?

(*b*) Are the Government considering the desirability of issuing instructions, so that each non-official visitor or at least those who apply for it, may be supplied with a copy of the Bengal Jail Code?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

MEMBER in charge of DEPARTMENT of REVENUE (JAILS) (the Hon'ble Sir Hugh Stephenson): (*a*) Government are not aware that any inconvenience has been experienced.

(*b*) and (*c*) Government do not propose to distribute copies to all visitors. The number of visitors is large, and the stock of Jail Codes is limited. A copy of the Code is available at every jail for the use of visitors, and visitors who desire to possess their own copies can purchase them from the Secretariat Book Depôt.

Remuneration to zamindar for collecting cesses.

***XLV. Babu SATYA KISHORE BANERJEE:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that the zamindars and tenure-holders are not paid any remuneration for collecting cesses from the tenants on behalf of the Government?

(*b*) Are the Government considering the desirability of taking steps, so that the zamindars as well as the tenure-holders be paid certain allowances for collecting the cesses?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Under section 41 of the Cess Act, 1880, a deduction calculated at one-half of the rate for every rupee of revenue payable by the estate is allowed to the zamindar, and a deduction of the same kind to the tenure-holder in respect of his rent. A similar allowance in the District Road Cess Act, 1871, was given as a fair remuneration to the zamindar for the trouble and risk of collecting the rate.

(*b*) No.

(*c*) Government are not aware of any reason why any further allowance should be given.

Détenu Jitesh Chandra Lahiri.

***XLVI. Babu SUDARSAN CHAKRAVORTY:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state

(*i*) whether Jitesh Chandra Lahiri, of Arani, in the district of Rajshahi, is a détenu in the Berhampore Jail;

(*ii*) whether a summons addressed to the said Jitesh Chandra by the Sadar Munsif of Boalia was served upon him for his appearance before the said Munsif on 7th July, 1925;

(*iii*) whether the suit to answer which he was summoned was one for rent valued at Rs. 45;

(*iv*) whether the said détenu wrote to the Chief Secretary praying either to allow him to go out to defend the suit or to deposit the amount of claim;

(*v*) whether the leave prayed for was refused; and

(*vi*) whether any reply was given to his alternative prayer as to the suggested deposit?

(*b*) What relief, if any, are the Government contemplating giving him?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) (*i*) Yes.

(*ii*) and (*iii*) Information to this effect was received from the détenu.

(*iv*) He wrote to Government asking them either to allow him to go home to conduct the case himself or to pay off his dues.

(*v*) Yes.

(*vi*) No.

(*b*) Government are not contemplating giving any relief.

Alleged sale of cocaine in Calcutta.

*XLVII. **Mr. F. E. JAMES:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether the attention of the Government has been drawn to the judgment of Mr. Keays, Additional Chief Presidency Magistrate, passed on Thursday, July the 16th, in a cocaine case, with reference to the sale of cocaine in Calcutta?

(*b*) Is it a fact that the remarks of Mr. Keays concerning the middlemen and wholesale vendors are an accurate statement of the present state of affairs?

(*c*) Will the Hon'ble the Member be pleased to state what steps the Government are proposing to take in order to deal with this evil?

(*d*) Are the Government considering the desirability of appointing a committee, consisting of officials and non-officials, to conduct a searching inquiry into the whole question of the sale of cocaine in Calcutta?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) to (*d*) Government have seen Mr. Keays' judgment and have asked him for particulars of the accusation which it contains. On receipt of these particulars, Government will consider what action is necessary, but they have no reason to expect that their action will take the form suggested.

Babu BEJOY KRISHNA BOSE: Will the Hon'ble Member be pleased to state whether these particulars cannot be gathered from the several judgements delivered by Mr. Keays in cocaine cases?

The Hon'ble Sir HUGH STEPHENSON: No; that is our trouble.

Regent Telephone system.

*XLVIII. **Dr. KUMUD SANKAR RAY:** (*a*) Will the Hon'ble the Member in charge of the Department of Commerce be pleased to state whether it is in the contemplation of the Government to make over the Government Telephone lines to the Bengal Telephone Company?

(*b*) If so, when did it first occur to the Government to make the change?

(c) What has been the outlay by the Government on their Telephone lines and what has been the income derived from this source?

(d) What is the amount that the Bengal Telephone Company intends paying to the Government for such transfer?

(e) Are the Government going to derive any material benefit out of such transaction?

(f) If so, what would be the nature of such benefit?

(g) Is the Hon'ble the Member aware of the fact that the public are strongly opposed to the control of public utility services by company management and to the granting of monopolies to a private company?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. T. Emerson): (a) to (f) The Regent Telephone system is under the control of the Government of India. The Bengal Government have no information on these points.

(g) The extent to which the view referred to is held by the public is not known to Government.

Introduction of elective system in Bogra District Board.

***XLIX. Babu ROMES CHANDRA BACCHI:** (a) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state when the elective system was introduced in the Bogra District Board?

(b) Is there any Local Board in the said district?

(c) If the answer to (b) is in the negative, will the Hon'ble the Member be pleased to state how the elective system has been found working there?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (a) As stated in notification No. 756 L.S.-G., dated the 17th February, 1922, which was published in page 354 of Part I of the *Calcutta Gazette*, dated the 22nd February, 1922, the elective system was introduced in the Bogra District Board with effect from the formation of the present Board.

(b) The member is referred to Form No. I (B) of the resolution on the working of District Boards for the year 1923-24 from which it will appear that there are two Local Boards in Bogra.

(c) This question does not arise

Donald Committee Report.

***L. Babu SUDARSAN CHAKRAVORTY:** (a) Will the Hon'ble the Member in charge of the Appointment Department be pleased to

state whether the committee appointed by a resolution, dated the 20th June, 1924, to advise on the scale of pay of the Executive and Judicial Services of Bengal and presided over by the Hon'ble Mr. Donald was a public committee?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to lay on the table a copy of—

(*i*) the report of the Donald Committee, and

(*ii*) any note or notes of dissent with all annexures that might have been submited by the members of the Donald Committee?

(*c*) Is it a fact that the question of employing Sub-Deputy Collectors on revenue and other works, which are now ordinarily entrusted to Deputy Collectors, is under consideration of the Government as stated in the press *communiqué* on the Donald Report published on 10th July, 1925?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of increasing their pay as well?

(*e*) Will the Hon'ble the Member be pleased to state on what grounds of logic and equity it has been found unnecessary to readjust the pay of the Subordinate Civil Service (although readjustment on duty basis was contemplated by the Government in their resolution appointing the Donald Committee for the purpose), but it has been found desirable to entrust the service with additional works which formed part of the ordinary duties of a service drawing much higher pay?

(*f*) Will the Hon'ble the Member be pleased to state the names of the officers of the Subordinate Civil Service with judicial and revenue powers which they are exercising, and the pay each such officer is drawing?

(*g*) Is it a fact that, although attempts were made, no demarcation was made as to the duties of the Bengal and Subordinate Civil Services?

(*h*) Is it not a fact that high official authorities stated before the Islington Commission that duties of the Bengal Civil and Subordinate Civil Services are alike and practically indistinguishable?

(*i*) If so, are the Government considering the desirability of amalgamating both the Services on the basis of duty?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) and (*b*) A copy with notes of dissent is laid on the Library table.

(*c*) and (*d*) The statements contained in the *communiqué* are accurate.

(*e*) Government are not prepared to give an answer to this hypothetical question.

(*f*) The member is referred to the current issue of the Quarterly Civil List.

(*g*) No. The member is referred to the resolution No. 1646 A.—D., dated the 21st June, 1920.

(*h*) The member is invited to refer to the report of the Islington Commission which has been published.

(*i*) No.

Appointment of Muhammadans to the posts of Sub-Inspector of Calcutta Police.

***LI. Mr. M. DAUD:** (*a*) With reference to the reply given on the 7th January, 1925, to my starred question No. IV, will the Hon'ble the Member in charge of the Police Department be pleased to state whether the vacancy created on the discharge of one newly recruited Muhammadan Sub-Inspector in the Calcutta Police Force was finally filled up by a Muhammadan from amongst the thirteen Muhammadan candidates?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble the Member be pleased to state the reasons why a Muhammadan vacancy was not filled up by a Muhammadan candidate?

(*c*) Is it a fact that the vacancy was proposed to be filled up by a Hindu candidate who is a near relative of a Hindu Inspector of the Calcutta Police Force?

(*d*) Are the Government considering the desirability of appointing Muhammadan candidates in future to fill up Muhammadan vacancies?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No.

(*b*) Of the Muhammadan candidates available, one only was considered to come up to the standard desired, and he was selected for appointment, but had subsequently to be rejected as he could not pass the medical examination.

(*c*) The vacancy was ultimately filled up by a Hindu candidate who is a son-in-law of an Inspector of the Calcutta Police.

(*d*) Government intend to appoint Muhammadans to not less than one-third of the vacancies among Sub-Inspectors when qualified Muhammadan candidates are available.

Maulvi MD. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member be pleased to state whether at the present moment there are no Muhammadan candidates available for posts of Sub-Inspector of the Calcutta Police?

The Hon'ble Sir HUGH STEPHENSON: The report of the Commissioner of Police is to the effect that he cannot get sufficient qualified Muhammadan candidates for the posts of Sub-Inspector.

Maulvi MD. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member be pleased to direct that these posts should be advertised so that suitable qualified Muhammadan candidates may come in?

The Hon'ble Sir HUGH STEPHENSON: I am not quite sure what the practice is, but I think the vacancies are advertised in some form or other.

Maulvi MD. NURUL HUQ CHAUDHURY: Is it a qualification to be a son-in-law for getting an appointment?

Mr. PRESIDENT: Order, order.

Arrangements for accommodation of visitors attending football matches on the Calcutta Maidan.

***LII. Babu TARAKNATH MUKERJEA:** (*a*) Is the Hon'ble the Member in charge of the Police Department aware that the public are put to trouble and inconvenience in attending the football matches at the Calcutta Maidan owing to inadequate management of the contractor, Messrs. Headwards & Co.?

(*b*) Is it a fact that the said company generally sell more tickets than the actual sitting accommodation in the ground?

(*c*) Is the Hon'ble the Member aware that many respectable gentlemen were put to trouble and harassment for want of proper arrangements on the part of the authorities on the day when the football match was played between Calcutta and the Durham Light Infantry in the I.F.A. Shield competition?

(*d*) Is it a fact that the selling hour of the tickets and also the arrangements for selling the tickets are not sufficient to meet the demands of a large crowd?

(*e*) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of taking proper steps to remove the inconvenience of the public in the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) The arrangements for stands at the Calcutta Football matches are in the hands of Messrs. Headwards & Co., who provide accommodation according to the ground space available. The only ground regarding which there has been any complaint this year is the Calcutta Football Club ground where the maximum ground space has already been allotted to the contractor and used by him.

(*b*) No.

(c) On that day there was an unusually large number of spectators seeking admission to the enclosure. Those who failed to secure seats were naturally inconvenienced.

(d) and (e) The arrangements for selling the tickets appear to be satisfactory; it is the accommodation that is not sufficient to meet the demands of a large crowd.

I may add that I understand the whole question of accommodation at football matches is now being discussed by the Commissioner of Police and the Indian Football Association.

Ex-police-station Walia in Rajshahi district.

***LIII. Babu SUDARSAN CHAKRAVORTY:** (a) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the fact that the recent closing down of police-station Walia, in the district of Rajshahi, has placed the residents of the villages of circle No. 3 of that thana, within the jurisdiction of thana Baraigram, above 20 miles distant from those villages?

(b) Is the Hon'ble the Member aware that there is no easy means of communication between those villages and thana Baraigram?

(c) Is the Hon'ble the Member also aware that the roads leading to Baraigram from the said villages are impassable during the rains and for a considerable time thereafter?

(d) Are the Government considering the desirability of transferring those villages to the jurisdiction of thana Lalpur?

The Hon'ble Sir HUGH STEPHENSON: (a) Yes. This redistribution formed part of the measures of retrenchment adopted in the Rajshahi district. An outpost force of one Assistant Sub-Inspector and four constables has, however, been left at Walia.

(b) and (c) Government have no precise information about this route, but it is well known that rural communications are often defective.

(d) The revision of these thana jurisdictions was carefully considered as a whole and it is not proposed to make any further changes at present.

Proposed Medical School at Howrah.

***LIV. Babu MANMATHA NATH ROY:** (a) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to specify the schemes under the consideration of the Government for the establishment of medical schools in the Presidency?

(*b*) Is the Hon'ble the Member aware that a public meeting was held some time ago at the Howrah Town Hall for the purpose of devising means for the establishment of a medical school at Howrah?

(*c*) Are the Government considering the desirability of making a grant towards the proposal of the Howrah people?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) The member is referred to the answer given to unstarred question No. 7, asked by Babu Amulya Dhone Addy at this session.

(*b*) Yes.

(*c*) The position is stated in the reply to the question asked by Babu Amulya Dhone Addy.

Unstarred Questions

(answers to which were laid on the table).

Agricultural, industrial and commercial education.

92. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, have been taken during the last three years and what further steps are proposed to be taken during the current official year for the establishment and maintenance of—

(*i*) agricultural schools with farms;

(*ii*) industrial schools with workshops; and

(*iii*) commercial schools with museums;

in the several parts of Bengal?

MEMBER in charge of DEPARTMENT of AGRICULTURE INDUSTRIES (the Hon'ble Sir Hugh Stephenson): (*i*) No agricultural *schools* were started during the last three years nor are any proposed to be started during the current year. A scheme for the opening of agricultural *classes* with farms or gardens in selected middle English and high English schools is under consideration.

(*ii*) No industrial schools were established during the last three years. It is proposed to establish a silk weaving institute at Berhampore and a district weaving school at Suri during the current year.

(*iii*) No new commercial schools with museums were opened during the last three years nor are any proposed to be opened during the current year. Government in the Education Department at present grant aids to seven commercial schools, and they are prepared to aid any approved scheme for founding such schools.

Mail service to and from Chikandi.

93. Dr. MOHINI MOHAN DAS: (*a*) Is the Hon'ble the Member in charge of the Department of Commerce aware that the mails from the Chikandi Sub-Post Office are carried through Domesha Station at a distance of about 5 miles from Chikandi?

(*b*) Is the Hon'ble the Member aware of the murder of a mail runner on the Domesha-Chikandi Road and of the consequent despatch of mails from the Chikandi Post Office at 4 P.M.?

(*c*) Is the Hon'ble the Member also aware that the mail bags are received in the Chikandi Post Office at about the same time and no time is left for urgent communications by return of post?

(*d*) Is the Hon'ble the Member aware of the representations made to the Superintendent of Post Offices, Faridpur, in December, 1924, for the improvement of the mail service?

(*e*) Is the Hon'ble the Member aware that the exchange of mail bags generally takes places in midstream with a country boat at the Domesha Station?

(*f*) Are the Government considering the desirability of inquiring whether the mail service is capable of improvement by exchange of mail bags at the Chikandi Station?

The Hon'ble Mr. T. EMERSON: (*a*) Yes.

(*b*) Yes, six years ago; but the hour of despatch is 4-45 P.M. not 4 P.M.

(*c*)The mails are timed to arrive at the Chikandi Post Office twice daily, namely, at 6 A.M. and at 2-45 P.M.

(*d*) Yes.

(*e*) Yes.

(*f*) It is understood that the postal authorities are discussing with the steamer authorities the possibility of arranging for the Up and Down Tarpassa Express steamers to call at Chikandi, so that mail bags may be delivered there and despatched from there.

Consumption of opium.

94. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the Council of the League of Nations has prescribed 6 seers of opium to be consumed by each 10,000 people annually?

(*b*) Is it a fact that one maund of opium is being consumed by each 10,000 people within the municipal limits of the Dacca Municipality annually?

(*c*) Is it a fact that each district town in Bengal consumes more than that prescribed by the League of Nations?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble the Member be pleased to lay on the table a statement showing the quantity of opium consumed in each district with its population?

(*e*) Is it a fact that the Government has rationed the consumption of each opium shop in almost all the districts of Bengal?

(*f*) Is it a fact that the quantity rationed by Government is in excess of that prescribed by the League of Nations?

(*g*) Is it a fact that the Excise Superintendents in almost all the districts permit the opium licensees to get more opium than that fixed for each shop, when applied for, occasionally?

(*h*) If the answer to (*f*) is in the affirmative, will the Hon'ble the Member be pleased to state what is the object of rationing?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (EXCISE) (the Hon'ble Mr. T. Emerson): (*a*) The League of Nations has laid down that 600 milligrams per head per annum (equivalent to a little over 6 seers per 10,000 of the population per annum) is the standard of legitimate consumption. It has not prescribed that that amount should be consumed, as the question seems to suggest.

(*b*) The information is not available. The opium shops in Dacca supply the requirements of a large area outside municipal limits.

(*c*) As no figures of consumption in district towns are available, it is not possible to furnish the information asked for.

(*d*) A statement showing the figures for 1924-25 is laid on the table.

(*e*) Yes.

(*f*) In eight districts (including Calcutta) the quantity rationed, which is based on local demand, is in excess of the League of Nations standard.

(*g*) No. No increase in allotment is made without the sanction of the Excise Commissioner.

(*h*) The question does not arise.

Statement referred to in the reply to clause (d) of unstarred question No. 94.

District.	Population in thousands.	Actual consumption of opium in 1924-25.
		Seers.
Burdwan	1,438	1,988
Birbhum	933	565
Bankura	1,138	585
Midnapore	2,821	4,043
Hooghly	1,080	2,926
Howrah	802	1,645
24-Parganas	2,628	5,499
Calcutta	1,350	11,915
Nadia	1,487	723
Murshidabad	1,262	589
Jessore	1,722	509
Khulna	1,453	685
Dacca	3,131	1,086
Mymensingh	4,526	668
Faridpur	2,249	458
Bakarganj	2,623	1,326
Chittagong	1,611	1,064
Tippera	2,743	423
Noakhali	1,472	203
Rajshahi	1,489	335
Dinajpur	1,705	467
Jalpaiguri	936	377
Rangpur	2,507	640
Bogra	983	165
Pabna	1,428	264
Malda	998	810
Darjeeling	282	179

Filing of Vakalatnama or Agentnama in certificate cases.

95. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether in any district of Bengal, Vakalatnama or Agentnama is necessary when filing a certificate case under section 7 of the Bengal Public Demands Recovery Act, 1913 (Ben. Act III of 1913)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state the names of these districts?

(*c*) Is the Hon'ble the Member aware that the filing of such Vakalatnama or Agentnama causes hardship to the certificate debtors?

(*d*) Is the Hon'ble the Member aware that the Collector of Tippera has discontinued this process, and that the certificate cases of that district are being dealt with smoothly?

(*e*) Are the Government considering the desirability of discontinuing this practice in other districts also?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) to (*e*) Government are not aware of the difference in practice indicated in the questions, but will make inquiries.

Alleged illegal charges by officers of landlords.

96. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that the tahsil officers of the landlords realize illegal charges from the tenants?

(*b*) Have the Government made any inquiry into the matter?

(*c*) Are the Government considering the desirability of taking steps in this matter?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) It is not possible to give a brief reply to so general a question. The matter was mentioned in the Report on the Land Revenue Administration of the Bengal Presidency for 1923-24 and in Government's resolution on the Report.

(*b*) No general inquiry has been made, but the facts are usually ascertained in the course of district settlement operations.

(*c*) The question is vague. Government are not at present considering the desirability of devising new methods of preventing the realization of illegal charges from tenants by officers of landlords.

Babu HEMANTA KUMAR SARKAR: Will the Hon'ble the Member be pleased to state whether he will consider the question referred to in the answer to question (*c*) when the Bengal Tenancy Amendment Bill is introduced?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I want notice of this question.

Maghi survey records of Chittagong.

97. Maulvi AMANAT KHAN: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is in the contemplation of the Government to destroy all records of 1200 Maghi survey in the district of Chittagong?

(*b*) Will the Hon'ble the Member be pleased to state whether any correspondence is now passing between this Government and the Chittagong officials suggesting destruction of the said Maghi Survey Record?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) No; on the contrary the Commissioner has submitted proposals for sorting the Maghi survey papers with a view to preservation.

Muhammadan Assistant Jailors.

98. **Haji LAL MAHAMMAD:** (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether it is in the contemplation of the Government to reorganise the cadre of Jailors and Assistant Jailors in the near future?

(*b*) Is it a fact that the pay and prospects of the above-mentioned officers are going to be revised with the result that some of the Assistant Jailors will be made Deputy Jailors with an increased scale of pay and others will be made clerks?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble the Member be pleased to state—

(*i*) the number of Assistant Jailors who are to be elevated to the ranks of Deputy Jailors;

(*ii*) the percentage of Muhammadans that the Government propose to include among those who will thus be promoted; and

(*iii*) whether the minimum percentage of 33 per cent. generally observed in other Government offices with regard to the appointment of Muhammadans will be maintained?

(*d*) Is the Hon'ble the Member aware that several Muhammadan graduates have, of late, entered the department as Assistant Jailors with the hope that their prospects will improve with the proposed reorganisation?

(*e*) Will their cases be considered before any such scheme is given effect to?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) Yes.

(*c*) (*i*) About 35.

(*c*) (*ii*) and (*iii*) It is not proposed to fix any percentage. In selecting the Deputy Jailors, seniority and fitness for the duties of Deputy Jailors will be considered.

(*d*) and (*e*) Three Muhammadan graduates have been appointed as Assistant Jailors since 1922; they were told that their posts might be converted to those of jail clerks if the proposed reorganisation of the service took place.

Reservation of seats for admission into the Presidency College.

99. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Member in charge of the Department of Education be pleased to the whether seats are kept reserved for any class of candidates seeking admission into the Presidency College?

(*b*) If so, how many out of the total number admitted this year were kept reserved for—

(*i*) Muhammadans; and

(*ii*) depressed classes?

(*c*) On what principle was the reservation made?

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): (*a*) 25 per cent. of the seats available are reserved for Muhammadan candidates possessing the requisite qualifications demanded, *viz.*, a place high up in the first division. No seats are reserved for any other class of candidates, but if any qualified students of the depressed classes apply for admission, their cases receive special consideration.

(*b*) (*i*) First year classes—51 out of 212 total admissions.

Third year B.A. class—28 out of 110 total admissions.

Third year B.Sc. class—11 out of 106 total admissions.

(*ii*) Nil.

(*c*) As stated on the 27th November, 1922, by the then Minister of Education in reply to a question asked by Babu Hem Chandra Bhattacharji, the policy of Government is to maintain a reasonable proportion of Muhammadan students in Government colleges. Twenty-five per cent. of seats are accordingly reserved for them.

Financial assistance to raise the pay of teaching staff of schools.

100. Babu MANMATHA NATH ROY: Will the Hon'ble the Member in charge of the Department of Education be pleased to state what steps, if any, have been taken by the Government in rendering financial assistance to high, secondary and primary schools in Bengal to enable them to raise the pay of their teaching staff?

The Hon'ble Sir ABD-UR-RAHIM: Government provided in the last budget 3 lakhs of rupees to increase the pay of teachers in high and secondary schools. This sum is in process of distribution. Rupees 8,60,000 was provided for raising the pay of teachers in primary schools.

Eligibility of non-Brahman caste to stipends for Sanskrit education.

101. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that scholarships and stipends for Sanskrit *tol* education are not awarded to any student belonging to the non-Brahman caste; and

(*ii*) whether it is a fact that a Kayastha student was refused such a scholarship in a Navadwip *tol* by the Sanskrit Association?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) No.

(*ii*) The stipends which are awarded to students of Nyaya and Smriti at Navadwip are subsistence allowances. They are granted to students according to a long established practice by the Adhyapakas of Nyaya and Smriti at Navadwip. The question whether Kayastha students are eligible for the subsistence allowances in the subjects of Nyaya and Smriti reserved for Navadwip *tols*, is under the consideration of the Council of the Calcutta Sanskrit Association.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member be pleased to state whether it is a fact that a Kayastha student was refused stipend in a Navadwip *tol* and his representation was also refused consideration by the Calcutta Sanskrit Association?

The Hon'ble Sir ABD-UR-RAHIM: I want notice of this question.

Agricultural farms.

102. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state how many agricultural farms there are in the Presidency Division?

(*b*) What steps, if any, have been taken in the matter of establishing an agricultural farm in the district of the 24-Parganas?

(*c*) Are the Government considering the desirability of taking into consideration the claims of the adjacent districts of Jessore and Khulna in selecting the site for a farm in the 24-Parganas district?

The Hon'ble Sir HUGH STEPHENSON: (*a*) There is only one Government agricultural farm in the Presidency Division, viz., at

Berhampore. Besides this, there are two farms under the supervision of the Agricultural Department, viz.—

(1) The Gosaba Farm in the Sundarbans; and

(2) the Khas Mahal Farm at Jessore.

(*b*) The matter is under consideration.

(*c*) It is the policy of Government to establish a farm in each district, as funds permit, in co-operation with local bodies.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member be pleased to state whether in the selection of a site for a farm in the 24-Parganas district, such a site will be selected as will meet the requirements of the districts of the 24-Parganas, Khulna and Jessore?

The Hon'ble Sir HUGH STEPHENSON: As I made it clear in answer to the question, we propose eventually to have farms in every district; therefore it is not necessary to select a site in one district with a view to the requirements of other districts.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member be pleased to state whether in the selection of sites, they will have some regard to the convenience of the districts where they have got no Government farms?

Mr. PRESIDENT: Is that not covered by the reply to your question (*c*)?

Rai HARENDRANATH CHAUDHURI: No, Sir.

Mr. PRESIDENT: I think so.

Question of posting an I.M.S. officer at Serampore.

103. Babu BARODA PROSAD DEY: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government (Medical) be pleased to state why the Serampore subdivision, which is medically an independent district, is paid only visits of about 2 hours on 2 days in a week by the Civil Surgeon stationed at Hooghly?

(*b*) Is the Hon'ble the Member aware that the subdivision of Serampore has got seven municipalities and more than a dozen mills within its area?

MEMBER in charge of DEPARTMENT of LOCAL-SELF GOVERNMENT (MEDICAL) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) There is a District Jail at Hooghly, and from the medical point of view also Hooghly is a more important charge than

Serampore. For these reasons Serampore, though medically an independent district, has been temporarily placed in charge of the Civil Surgeon, Hooghly, pending arrangements for posting an I.M.S. officer to that station.

According to the practice on previous occasions, only 2 visits a week are paid to Serampore by the Civil Surgeon, Hooghly, but he is available to attend daily if his services are necessary.

(*b*) Yes.

Babu BORODA PROSAD DEY: Having regard to the answer to question (*b*), is the Hon'ble the Member still prepared to hold that from the medical point of view Hooghly is a more important charge than Serampore?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I have nothing to add to what is stated in my reply.

Admission into Medical College, Calcutta.

104. Babu TARAK NATH MUKERJEA: Will the Hon'ble the Member in charge of the Department of Local Self-Government (Medical) be pleased to lay on the table a statement showing—

(*i*) the total number of applications that were received this year for admission into the Calcutta Medical College;

(*ii*) the number of students actually admitted in that college this year in the 1st year class; and

(*iii*) how many of them are—

(*a*) Hindu,

(*b*) Muhammadan, and

(*c*) of other communities?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: A statement giving the information asked for is laid on the table.

Statement referred to in the reply to unstarred question No. 104.

(*i*) The total number of applications that were received this year for admission into the Calcutta Medical College—996.

(*ii*) The number of students actually admitted in that college this year in the 1st year class—120.

(*iii*) (*a*) Hindus—92

(*b*) Muhammadans—28

(*c*) Candidates of other communities—Nil.

Period of service of Rai Purna Chandra Lahiri Bahadur.

105. Maulvi NAJMUDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that Rai Bahadur Purna Chandra Lahiri has completed the requisite period of service for pension?

(*b*) Is it a fact that sometime ago he swore an affidavit stating that his age was 3 years less than what had been entered in his service book?

(*c*) Will the Hon'ble the Member be pleased to state whether it is the practice of the Government to accept such affidavits from officers who are on the point of retirement?

The Hon'ble Sir HUGH STEPHENSON: (*a*) If he retired now, he would have earned a pension, but not the maximum pension.

(*b*) No.

(*c*) I am not aware that the question of accepting or refusing such an affidavit has arisen.

Pecuniary jurisdiction of munsifs' courts.

106. Babu AKHIL CHANDRA DATTA: (*a*) Has the attention of the Hon'ble the Member in charge of the Judicial Department been drawn to the fact that the price of land has immeasureably risen since the time when the pecuniary jurisdiction of the court of a munsif was fixed at Rs. 1,000?

(*b*) Is the Hon'ble the Member aware that statistics prove the fact that the judiciary in Bengal are now very keen about the adequate valuation of lands and that the question of court-fee and pecuniary jurisdiction is not infrequently raised by them *suo motu*, although the parties choose to keep silent over the matter?

(*c*) Is the Hon'ble the Member aware that the District Judge of Tippera has issued a circular laying down a scale of valuation of different kinds of lands for the guidance of the subordinate judiciary?

(*d*) Is the Hon'ble the Member aware that in consequence of the facts mentioned above, the jurisdiction and scope of the munsifs' courts are being automatically curtailed, the result being that suits formerly triable by a munsif have now become triable by a court of a Subordinate Judge?

(*e*) Are the Government considering the desirability of taking such steps as may be necessary for raising the pecuniary jurisdiction of the munsifs' courts and investing them with power to try suits up to the value of Rs. 3,000?

(*f*) Has the Hon'ble the Member considered the fact that the reform suggested will result in economy not only to the litigant public but also to the Government?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) to (*c*) No.

(*d*) Any substantial rise in the price of land will have the result indicated.

(*e*) The question of raising the pecuniary jurisdiction of the munsifs' courts has been raised by the Civil Justice Committee and is at present under consideration.

(*f*) Economy may result, but it cannot be the sole consideration.

Faridpur Railway Station.

107. Mr. SYED M. MASIH: (*a*) With reference to the reply given to my starred question No. XXVIII on the 25th January, 1924, will the Hon'ble the Member in charge of the Department of Public Works (Railways) be pleased to state whether the Railway Company has since made any move in that direction?

(*b*) If not, are the Government considering the desirability of drawing the attention again of the Railway authorities to the matter?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (RAILWAYS) (the Hon'ble Mr. T. Emerson): (*a*) The Railway administration have made enquiries regarding probable sites, and they hold that the site of the present station is not suitable for a new pucca station.

(*b*) The Railway administration propose to defer the construction of a new station till finality is reached regarding the construction of a new line from Faridpur to Charmaguria.

Dr. KUMUD SANKAR RAY: Will the Hon'ble the Member be pleased to state that if the construction of a new line from Faridpur to Charmaguria be decided upon, the steamer line to Goalundo will be abandoned?

The Hon'ble Mr. T. EMERSON: If the Hon'ble member likes, I can get the information from the Railway Department for him.

Dr. KUMUD SANKAR RAY: Before it is finally decided, will the Hon'ble the Member be pleased to state whether public opinion will be consulted?

The Hon'ble Mr. T. EMERSON: That is also a matter for the Railway Department.

Members of District Boards and Municipalities.

108. Mr. SYED M. MASIH: Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing in each District Board and municipality for 1925—

(*i*) the total number of members;

(*ii*) the number of elected members;

(*iii*) the number of nominated members;

(*iv*) the number of Muhammadan elected members; and

(*v*) the number of Muhammadan nominated members?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The time and labour involved in furnishing the information required would in the opinion of Government be disproportionate to its value.

The member is however referred to Form 1 (A) and Form 1 of the resolutions on the working of District Boards and municipalities for the year 1923-24, which show the total number of members as well as the number of elected and nominated members of District Boards and municipalities, respectively, as they stood at the end of the year 1923-24. Appendix G to the resolution on the working of District Boards shows the total number of Muhammadan members of each District Board. Similar information in regard to municipalities is not published in the Municipal Resolution.

Deputy and Sub-Deputy Collectors.

109. Babu BEJOY KRISHNA BOSE: (*a*) Is the Hon'ble the Member in charge of the Appointment Department aware that there exists a feeling of distress amongst the Sub-Deputy Collectors at the triennial incremental scale of Rs. 25 in the existing scale of their pay, and that they made a representation of their grievance to the Government?

(*b*) Are the Government considering the desirability of changing the scale of pay of Sub-Deputy Collectors?

(*c*) Will the Hon'ble the Member be pleased to state at what period of service a Deputy and a Sub-Deputy Collector, respectively, reaches the salary of Rs. 400?

(*d*) What is the salary drawn by a Sub-Deputy and a Deputy Collector in his 12th and 18th year, respectively?

(*e*) Do the Sub-Deputy Collectors, when employed in the Settlement Khas Mahal Butwara and Cess Revaluation, perform the same kind of work as the Deputy Collectors?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble the Member be pleased to state whether they draw the same allowance when employed in the above-mentioned special works?

(*g*) Will the Hon'ble the Member be pleased to state whether it is in the contemplation of the Government to employ competent Sub-Deputy Collectors in some of the more important revenue work hitherto performed by the Deputy Collectors alone?

The Hon'ble Sir HUGH STEPHENSON: (*a*) A representation was made in 1922 urging Government to reconsider their decision regarding the triennial term of increments. Government are aware that the service would prefer more rapid increments.

(*b*) No.

(*c*) A Deputy Collector in the 7th year and a Sub-Deputy Collector in the 25th year.

(*d*) A Sub-Deputy in his 12th year draws Rs. 275; a Sub-Deputy in his 18th year draws Rs. 325; a Deputy Collector in his 12th year draws Rs. 500; a Deputy Collector in his 18th year draws Rs. 650.

(*e*) The duties are similar in kind, but the more responsible charges are filled by Deputy Collectors.

(*f*) Where allowances are paid for these duties the allowances vary in relation to the responsibility involved. For settlement duty a Deputy Collector draws Rs. 100 and a Sub-Deputy Collector draws Rs. 50.

(*g*) The matter is under consideration.

Babu BEJOY KRISHNA BOSE: Having regard to the reply given to question (*c*) will the Hon'ble the Member in charge of the Appointment Department be pleased to give his reasons for saying "No" in answer to question (*b*)?

The Hon'ble Sir HUGH STEPHENSON: I congratulate the Member in getting in an argument in the form of two questions. I understand the hon'ble member is arguing that because a Deputy Collector receives a certain pay in a certain year and the Sub-Deputy Collector gets the same pay in a different year, therefore that is the reason why Government should consider the desirability of approximating the scale of pay of Sub-Deputy Collectors to that of Deputy Collectors. If that is so, that is exactly where Government differs in opinion from him.

Appointment of Muhammadan managers of Court of Wards' Estates.

110. Maulvi FAZLAL KARIM CHOWDHURY: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(i) how many posts of manager and sub-manager of the Court of Wards' estates have fallen vacant in the Dacca Division since the creation of the department;

(ii) how many of them have been given to Muhammadans; and

(iii) the number of posts of manager and sub-manager if any, vacant at present?

(b) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of appointing Muhammadans to any vacant posts in order to reach the percentage allotted to Muhammadans?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) (i) and (ii) No record has been kept of the number of vacancies and the information cannot be given.

(iii) None.

(b) The question does not arise. Appointments are ordinarily made by the Court of Wards.

Condition of roads within Chittagong Municipality.

111. Mr. B. J. CORCORAN: (a) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether the general deterioration of the roads in the Chittagong Municipality during the last five years has been brought to his notice?

(b) Are the Government considering the desirability of instituting an enquiry into the cause of these deplorable conditions and of calling upon the Municipality to improve the roads?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) The reply is in the negative.

(b) Government will bring the matter to the notice of the municipal commissioners and ask for a report.

Cocaine traffic in Calcutta and elsewhere.

112. Babu AKHIL CHANDRA DATTA: (a) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the judgment of Mr. Keays, the Additional Chief Presidency Magistrate of Calcutta, Northern Division, dated the 13th January, 1925, in the case of Emperor *versus* Dhirendra Nath Das, in which he makes the following observations regarding cocaine traffic in Calcutta, viz.:—

(i) that in certain parts of Calcutta cocaine is sold practically openly;

(ii) that the system has grown up of the cocaine dealers employing the scum of society to sell for them;

(*iii*) that the middlemen and the wholesale cocaine dealers are perfectly well known and their names frequently mentioned in my court; and

(*iv*) that I have little doubt that the proportion of Calcutta crime due to cocaine-eating is not negligible?

(*b*) What steps, if any, have been taken by the Commissioner of Police, Calcutta, and by the Government to keep down cocaine-eating in Calcutta?

(*c*) In this connection has the attention of the Hon'ble the Member been drawn to the serious allegations made against some members of the Calcutta Police in the press on June 6th, and July 4th, 1925, in connection with the cocaine traffic in Calcutta, stating specifically and categorically the names of the cocaine- and gambling-dens, the names of police-stations within which they are located and the amount of hush money paid to the police?

(*d*) Has any enquiry been made into the truth or otherwise of these allegations?

(*e*) If so, by whom was the enquiry made?

(*f*) Will the Hon'ble the Member be pleased to state fully the result of such an enquiry?

(*g*) What action, if any, has been taken after the enquiry?

(*h*) What is the result of the action taken?

(*i*) Is it a fact that one Wali Muhammad, an orderly of Babu Rāghubirlal Mehta, officer in charge of Maniktala thana, made a statement in the latter part of 1924 before the Assistant Commissioner and the then officiating Deputy Commissioner, Mr. Bhupendra Nath Banarji, in which he named various officers of both superior and inferior ranks who were in receipt of regular "hush" money from a cocaine- and gambling-dens in Bagmari within the Maniktala thana jurisdiction?

(*j*) Will the Hon'ble the Member be pleased to lay a copy of the statement referred to in (*i*) on the table?

(*k*) When was the statement brought to the notice of the Government?

(*l*) What enquiry, if any, has been made?

(*m*) What action, if any, has been taken against the officers implicated?

(*n*) Are the Government considering the desirability of making a full and exhaustive statement on the whole question of cocaine traffic in Calcutta and other parts of Bengal?

The Hon'ble Sir HUGH STEPHENSON: (*a*) Yes. Government have seen an extract from the judgment which appeared in the press at the end of July.

(*b*) Very numerous prosecutions have been instituted and a large number of people have been convicted. The subject is receiving close attention from the Excise and Police Departments. The member will understand that it is not in the public interest to disclose details of methods.

(*c*) Yes.

(*d*) to (*h*) I have ascertained from the Commissioner of Police that many of the places mentioned, or places which are evidently referred to, although not accurately described, are places well known to the police, some of them have been frequently raided. The raiding of these dens is not such a simple affair, as is suggested, that is to say, it is not the case that cocaine can always be found or purchased at the house of a person who is reasonably believed to be engaged in the traffic. The allegations about hush money are obviously such as can neither be proved nor disproved, but I may say that it is inconceivable that it could be remunerative for any one to pay the large sums which have been mentioned.

(*i*) to (*m*) Wali Muhammad made a statement of the kind indicated in December, 1924. It has come to the notice of Government, on enquiry being made with reference to this question. The circumstances in which he made this statement were as follows: He was under trial for assaulting a shopkeeper when attempting to extort a bribe. While his case was pending, he made the statement referred to. He declined to give any help in substantiating his story unless the case in which he was accused was dropped, and this was refused. In these circumstances his statement was entitled to no credit and no further action was taken on it, and Government are not prepared to lay on the table a statement which contains accusations which are utterly unsubstantiated

(*n*) The questions which have been asked have elicited all the information which I have to give for the present. Government are fully alive to the importance of putting a stop to this traffic.

"Vakalatnama" or "agentnama" in certificate cases.

113. Khan Bahadur Kazi ZAHIRUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Revenue Department (Land Revenue) aware that the Collector of Tippera, with a view to minimise the cost of certificate cases, filed on behalf of the Court of Wards' estates for the recovery of the arrear rents from the tenants, has discontinued the practice of requiring *vakalatnama* or *agentnama* in such cases?

(*b*) Is it a fact that this has resulted in considerable loss of Government revenue?

(c) Are the Government considering the desirability of extending a similar procedure to all other districts of this province for the relief of certificate debtors?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a), (b) and (c) Government are not aware of the facts stated in the question, but will make inquiries.

Settlement of certain "jalkars".

114. Babu HEMANTA KUMAR SARKAR: Will the Hon'ble the Member in charge of the Revenue Department be pleased to state when and on what terms, and with whom the *jalkars* attached to the following tauzis were settled by Government, namely:

(i) Dacca Collectorate.- (a) pargana Mamudpur, tauzi Nos. 104 and 105; (b) pargana Baikanthapur, tauzi No. 8692;

(ii) Faridpur Collectorate.—pargana Baikanthapur, tauzi No. 5569 (*jalkar* Prachandanada, Bhubaneswar Jari, Padmabati Nadi); and

(iii) Pabna Collectorate. (a) pargana Islampur, tauzi No. 104; (b) pargana Mobarak, tauzi No. 6301 (*jalkar* Ujial, Nadi Padmabati, Nadi Bhubaneswar)?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The two *jalkars* named in the question were included in the Permanent Settlement of the estates to which they appertained. A reply cannot be given about other *jalkars* unless the names are given.

Time for disposal of non-official business.

Mr. PRESIDENT: Order, order. I have it in command from His Excellency the Governor to deliver the following message in reply to a petition received by me from 26 members for extra time for the disposal of non-official business. Would hon'ble members kindly rise in their places while I deliver the message from His Excellency?

[All the members stood up.]

I am not prepared to grant an extra day for non-official business alone, but as I understand that an extra day is required for Government business, I allot Friday, the 21st, for this purpose, and at the end of Government business, non-official business may, as a special concession, be taken up.

Sd. LYTTON.

[The members then resumed their seats.]

Time for the balloting of the Standing Committees.

Mr. PRESIDENT: The members of Council are reminded that balloting for the remaining 6 Standing Committees takes place tomorrow between the hours of 1-55 and 2-55 P.M.

Point of order.

Babu AKHIL CHANDRA DATTA: On a point of order, Sir, are we to understand that henceforth whenever any message from His Excellency the Governor is communicated to the Council, we are expected to remain standing?

Mr. PRESIDENT: Yes, that is the rule in all other Councils in India.

Babu AKHIL CHANDRA DATTA: Was it so in this Council?

Mr. PRESIDENT: Never mind.

Babu AKHIL CHANDRA DATTA: Then that is a new introduction, so far as this Council is concerned.

Mr. PRESIDENT: Order, order.

Resolutions

(on matters of general public interest).

Grant to the Calcutta University.

Babu MANMATHA NATH ROY: Before moving the resolution which stands in my name, I should formally ask for leave to modify slightly the second part of it. I gave notice of the amendment and the Secretary to this Council wrote to me in reply that the President had permitted me to modify the second portion. As modified the resolution stands thus:

"This Council recommends to the Government

(*i*) that a recurring grant of Rs. 3,00,000 be annually made to the Calcutta University from the commencement of the current year, in order to enable the University to continue post-graduate studies and research; and

(*ii*) that a supplementary demand of Rs. 1,00,000 be forthwith brought up before this Council to provide the grant for the current year."

As this question of the demand for a recurring grant of Rs. 3 lakhs to the Calcutta University stands in the name of many of my friends here, I do not think it necessary to go at length into this matter. I shall only indicate briefly the University point of view with regard to this question. This question received anxious consideration at the hands of the Senate recently for 5 afternoons, aggregating a total period of about 20 hours. As a result of that consideration the University has asked the Government for a recurring grant of Rs. 3 lakhs. There

was a small minority in the Senate who wanted to propose the reduction of the staff in a certain number of subjects, but that proposal was negatived by a very large majority, 30 voted against it and about 10 only voted for the reduction, and the original proposal of the majority was carried by 35 against 5. The financial result of the proposal of the majority was scrutinised by the Board of Accounts in the University, and the Board of Accounts came to the conclusion that in the next 5 years there would be an average deficit of about Rs. 2,91,000 or in round figures about 3 lakhs of rupees. The minority, of whom Mr. Oaten was one, and who wanted to reduce the staff in a certain number of subjects, were prepared to ask Government for Rs. 2½ lakhs, so that the question now is only with regard to Rs. 50,000, and it does not seem to me, in view of the grant made annually, not only by this Government but also by other Governments to other universities, that this demand of the Calcutta University is extravagant. I find that the Government of Agra and Oudh makes an annual grant of Rs. 9½ lakhs to the Lucknow University, and a grant of Rs. 7 lakhs to the Allahabad University. The Government of Burma made a grant of about Rs. 6 lakhs last year to the Burma University, and this Government has made a recurring grant of Rs. 5½ lakhs to the sister university of Dacca.

The second part of the resolution brings before the Council the question that the recurring grant for this year should be paid down without delay. It may be remembered by this House that in March last the House voted for a grant of Rs. 2 lakhs to the Calcutta University, but that amount has not yet been paid. I ask that that amount should now be paid; and that in addition, a supplementary demand for another lakh be brought up before the Council early so that the total amount of Rs. 3 lakhs be made over to the Calcutta University without delay.

Dr. BIDHAN CHANDRA ROY: I beg to move that this Council recommends to the Government that provision be made in the supplementary budget as well as in the budgets of the succeeding years for an annual grant of Rs. 3,00,000 to meet the recurring deficit of the Calcutta University in accordance with the finding of the Senate while considering the report of the Post-graduate Reorganisation Committee.

In speaking on this resolution, I shall make an attempt to draw upon the fund of patience of members of the Council because I owe it to myself as a humble worker of the University, I owe it to the members of this Council to put the whole case of the Calcutta University as clearly as I can before them. In the first place I shall draw the attention of members of this Council to two portions of my resolution, the first being that provision be made in this year and succeeding years, and the second point that provision should be for Rs. 3 lakhs. I shall try to dilate upon these portions of my resolution so as to make it clear

that the resolution is asking no more and no less than what is essential if we are to carry on the work of the University properly. In the first place my first reason for asking for a recurring grant is the same as the one I put forward when I was moving my amendment for referring the Dacca University Bill to a Select Committee. I made it clear then that if any University is to run efficiently, the teachers and the staff should have some permanency of tenure, some prospect in view, and they should work in an atmosphere of certainty. If this position is essential to carry on the work of any institution, then it is doubly essential that this position of certainty should be present in any University, because if the work is inefficient, it hurts not only the teachers but the taught; therefore a recurring grant is essential, if we are to have efficient teachers as well as properly educated students. My second point for asking for a recurring grant is that without a certainty of income it is impossible for the University to make any plans for the future. It is true that on three occasions the Bengal Government had given to the University certain sums of money, but that was to meet the deficits at the end of a financial year. No arrangement can be made on what may turn out to be a mere promise and not an effective promise. May I further remind the House that the University is not like Government that it can raise additional taxation in order to meet the necessities of the situation. The only taxation that the University can resort to is to increase the fees of the students for the different examinations and also to a certain extent increase the fees of the students of the Post-graduate Departments. Even to do so would require the sanction of the Government and I may inform the House that on many occasions the University was prepared to face this issue—to face the unpopularity which the University would have to meet if they wanted to increase the fees of students but the Government refused.

My third reason is the attitude of the Government. In order to put it clearly before the House, I shall have to go back, as shortly as I can, to the past history of the development of Post-graduate Departments. In the year 1912 His Excellency Lord Hardinge said in his convocation speech on the 16th of March 1912:

> I cannot regard the present facilities for higher studies as at all sufficient. It is very important that it should turn out good M.A's. in sufficient number; otherwise it will be difficult to find capable lecturers for our colleges or to provide adequately for research. Impressed by these considerations which are not peculiar to the Calcutta University, and remembering the stirring words which His Imperial Majesty addressed to the members of our Senate, the Government of India have decided to make a solid advance in the direction of teaching and residential Universities. They have allotted a recurring grant of Rs. 65,000 a year, for the appointment of University Professors and Lecturers.

That was the starting point of the Post-graduate Department and, may I add, principally of the financial embarassment of the University. In the same year Sir Tarak Nath Palit gave a donation of Rs. 15 lakhs to the University. The University felt that a new life had come over the

country, that the Government was getting more sympathetic to the educational needs of the province and therefore they applied on the 30th of December, 1912, for financial aid in order to make up for the deficit which any scheme of post-graduate teaching would imply. On the 14th of January, 1913, the reply came from the Government of India which said—

The Government of India are not aware what grants, if any, they will be able to assign for education during the ensuing financial year. The requests of the Calcutta University will receive consideration in conjunction with the claims of other Universities and of other branches of education.

The University was not to be daunted and they applied again on the 4th of October, 1913, to which a reply came on the 23rd December, 1913, which said—

when funds are available, the request of the University for further grants for higher teaching will be considered in conjunction with other demands.

On the 13th of March, 1915, another application was made to the Government of India. No reply was given for 2½ years. On the 9th August, 1917, the Government of India said—

the Government of India propose to defer consideration of the question of granting financial assistance in this connection to the University, pending receipt of the recommendations of the proposed Calcutta University Commission

On the 16th of December, 1918, Lord Chelmsford, as Chancellor of the University, said in this very hall, in his convocation address—

if the Commission were unanimous in their main recommendations, he would lose no time in giving effect to them.

Sir, Commission has come and commission has gone and many of the other Universities except the Calcutta University, for which obviously the commission was instituted, have benefited by it; the Calcutta University remains where it was and I might say with the poet "*Tumi ja timira tumi se timira*", *i.e.*, you are in the same darkness as before. But the University was not to be daunted, they went on to the Government of India while they held the reins of the University and they applied on the 31st March, 1920, to which I am glad to say no reply has been vouchsafed to the Calcutta University even up till to-day. The Bengal Government, which stepped into the shoes of the Government of India was applied to on the 5th of February, 1921, and the 15th February, 1922. I shall not burden the memory of the members of the Council with further dates, because our applications are legion. But no recurring grant has yet been made to the Calcutta University. The Bengal Government has, it is true, as I have said before, made certain grants to meet liabilities in certain years, but for the last 12 years the recurrent grant has remained as it was in 1913. Sir, the great liberal statesman, the late Sir Surendra Nath Banerjea, once said—

the path of the British Government in this country is strewn with broken promises and unfulfilled pledges.

Therefore my third reason for asking for a recurrent grant is this, that otherwise it is very difficult to know what is in the mind of the Government at a particular moment. I do not blame the Government Member in charge of Education. The education of the public of Bengal is a charge on the Government and the Government has created a body so as to work under a constitution for the purpose of carrying out this object. Therefore the University is the agent of the Government for the purpose of education of the youths of Bengal. But it is difficult for any member of Government, unless he is in touch with the University for a certain number of years, to understand all the complexities of the situation; the system is such that there sits the Member in charge of the Department of Education to-day and to-morrow he is transported to the *gadi* of the Governor of another province; and what about his adviser, his secretary? He comes in through this door on the right and sitting in this chair on the right hand to-day, to-morrow he sits in the middle and on the third day he goes out of this chamber to become commissioner of a division. How can we expect the Department of Government to understand the complexities of the demands of the Calcutta University. (Hear, hear).

Sir, my fourth reason is equally important for asking for a recurring grant. The optimist tells us that things have changed, the old order has changed and we are told that the power has come from Government to the people, that the purse lies in the hands of the representatives of the people in the Council and we are living in the sunshine of democracy. Therefore, Sir, if it is difficult for one member of the Government to understand the complexities of the situation, it is even more difficult to make hundred members of the legislature understand all the difficulties of the situation. Therefore if the University is to come to the Council every year, if the University, as I said when I was moving my amendment to the Dacca University Bill, has to depend upon chance voting, it is difficult for any University, which has thus to seek State aid, to work efficiently. This is not true only of this legislature. Sir Harcourt Butler, himself a great educationist and born of a family of educationists, said on the 4th of November 1922, as Chancellor of the University of Allahabad:—

> There is one matter which causes me some little apprehension, namely, a tendency to interfere with the freedom and initiative of the University from outside. The great commission on the Universities of Oxford and Cambridge which has recently published its report—the last word on University education—while recommending the increase of annual Government grants to each University from £30,000 to £110,000 sterling, largely for extension of research, entered a solemn warning against Government interference, which is applicable to other external interferences in this country.

In the *Times* Educational Supplement of the 21st April, 1921, there appeared a note by a University teacher. He says—

> While Government money will have to be given to the Universities in large quantities, and control exercised, such control means no more and no less than an

assurance that the money is well and properly spent. That this assurance can be secured without any derogation from the dignity of the University or any deprivation of its academic freedom, a survey of the existing system will show. Petty-fogging interference and stupid red-tapeism will persist as long as there are Government departments and human nature remains the same, but they can be successfully resisted, and on occasion given short shrift. The great teaching body of the Universities, University colleges, and institutions of University rank, notwithstanding their grievances, will not sell their academic freedom for a mess of pottage.

Mr. Fisher, the Minister in charge of Education, and one of the foremost educationists in Great Britain, enunciated the policy which the Calcutta University has upheld and more than endorsed. He says—

No one appreciates more fully than myself the vital importance of preserving the liberty and autonomy of the Universities *within the general lines laid down under their constitution* The State is, in my opinion, not competent to direct the work of education and disinterested research which is carried on by Universities, and the responsibility for its conduct must rest solely with their governing bodies and teachers. This is a principle which has always been observed in the distribution of the funds which Parliament has voted for subsidising University work; and so long as I have any hand in shaping the national system of education, I intend to observe this principle.

I make this quotation an offering to the Hon'ble Member in charge of Education. I think I have made it perfectly clear that in order to maintain efficiency it is essential that the University should have a recurring grant.

I now pass on to the next portion of my resolution that the grant must be Rs. 3 lakhs. Sir Abd-ur-Rahim drew a very happy picture of the finances of the Calcutta University. I do not presume, neither have I any desire to change places with him, but may I request him to go and sit with me and look at the empty coffers, the large demands, and the large promises that the University have from time to time received from the Government. He will then know the difficulties which the President of the Board of Accounts has to meet. But what are the revenues of the University? They are the fee funds, the much maligned Law College funds and the various trust funds. I take the trust funds first. In each case the donor has laid down certain conditions mainly for the appointment of professors for the purpose of research. These funds have not helped the University but has affected the University fund in one sense; one of the conditions of each of these trusts is that we shall provide these teachers with sufficient accommodation, laboratories, museums, assistance and so forth, many of which the Calcutta University has unfortunately not been able to provide because of the depleted funds. Therefore, I would leave the trust funds alone. If you take the ordinary fee fund of the University and its ordinary expenditure what do you find? I have worked it out in detail but I will only put the main figures before the House from 1919 to 1925. Any body who is conversant with finance knows that it is always a very unsafe thing to take as a guide the financial condition of one year or even two years.

I find, after deducting from the fee fund such expenditure, *e.g.*, expenditure as establishment, payment to examiners, etc., the balance during the last five years enumerated as follows :—

	Rs.
In 1919-20	2,28,000
In 1920-21	3,21,000
In 1921-22	3,15,000
In 1922-23	3,08,000
In 1923-24	2,60,000
In 1924-25	3,00,000

Therefore, after meeting ordinary expenditure of the University from the fee fund the average amount left over is a little less than Rs. 3,00,000. But perhaps I may be told why not take all the other funds together. I have calculated the balance of the average five years which is left after meeting the ordinary expenditure of the fee fund as well as of the Law College and Hardinge Hostel and I find that the average of the past three years is a little over three lakhs, 33 thousand. Therefore, if the post-graduate Department is to run, the only amount that can be contributed from the finances of the University cannot be more than three lakhs, thirty-three thousand on an average. These are questions of fact and not matters of opinion. The next question is what would be the expenditure in the Post-graduate Department? The Senate has applied to the Government for a grant of Rs. 3,00,000 and they have said that the average expenditure on this account is likely to be Rs. 6,33,000. A great point has been made that there has been a division in the Senate. Last year when we applied to Government for a recurrent financial aid, the Government turned round and asked us—"What is your deficit?" We were not prepared to give the Government any information on that point until a committee was appointed to go into the whole question in order to give a correct figure. As has been said many times in this House that 75 sittings were held, numerous witnesses were examined, a large bulk of evidences were gathered together. There was a report in which out of 20 educationists 16 signed one report and four another. It has been said that the minority report is before the Government now and therefore Government must find out for themselves what conclusions to come to. May I ask the House that this committee was appointed not by the Government but by the Senate itself and that its report was submitted to the Senate. Seventy-five members out of 100 attended meetings of the Senate and 5 meetings were held, and eventually by a overwhelming majority the Senate accepted the conclusions of the majority report. As soon as this position is accepted majority and minority vanishes altogether. But is that my suggestion alone? Mr. Oaten, the Director of Public Instruction, who

was present at that meeting, immediately after the decision was arrived at said—

after to-day there is no minority and no majority. The Senate would decide and have already decided between them. After to-day they would forget their battles and remember that they are both working not for a party, not for a majority or a minority but for the good of the country as a whole and the advancement of learning in Bengal.

Noble words these. I hope Mr. Oaten will be able to press upon the Member-in-charge for Education this view which he had taken in the Senate regarding the reports of the majority and the minority. If the Members of the Government have any objection to the academic aspects of the report, the reports were before them. Sir Abd-ur-Rahim himself is a Fellow of the University but he was not present in any one of its sittings. Why did not he put this side of the question before the Senate? The Senate would have given him a respectful hearing and would certainly have given sufficient consideration to any suggestion that he might have made.

The Hon'ble Sir ABD-UR-RAHIM: I was not present at the meeting.

Dr. BIDHAN CHANDRA ROY: That is exactly what I say that the Hon'ble Member was not present at any of the meetings. Why was he not present? Since the Senate has come to a decision he as a member of the Senate must recognise that the majority and the minority have merged into one report and that there is only one report before the Government now and that report is embodied in the letter which has been forwarded by the University to the Government. Therefore I maintain that it is too late for any member of Government now to say that he is considering the majority or the minority report.

The position in a nutshell is this: Requirements of the Post-graduate Department would mean the recurring sum of Rs. 6,33,000 on an average for the next five years, and that the amount which the Calcutta University can give from its own funds to the Post-graduate teaching fund—taking all the funds together except the Trust Fund—is a little over three lakhs. Where is the rest of the money to come from? Sir, I cannot presume to know what Sir Abd-ur-Rahim is going to say. Nor do I know to whom you, Sir, will allow the privilege of reply. If I had the last word in the matter I should certainly be pleased, but I do not know. Therefore let me make a forecast. As a man in the medical profession I am interested to know what points the Hon'ble Member is going to raise. Surely he is not going to tell us that we must give the Government a little more time to consider the report. They have already had time to consider it from June to August. The report is quite clear. What is there to consider? I say again and I say deliberately that Government has no right at this stage to consider the majority or the minority report. Government are represented in the

Calcutta University by their Minister of Education who is an *ex-officio* member of the Senate. Why is he there for? The only conclusion is that he will put the Government view-point before the Senate. Unfortunately there is no Minister now and Sir Abd-ur-Rahim has taken his place. Therefore he should have pointed out.

The next position that one might take is—look at the past conduct of the University, and may say that the University has not been like Cæsar's wife above suspicion. There have been imperfections in the University. What institution is there in this world which is not imperfect? The Government itself is not perfect. I say that I can prove if I am given only half an hour and if the mind of the Hon'ble Member is open to conviction—that a good deal of this imperfection is due to the fact that there has been so much uncertainty with regard to the financial outlook of the University. Legislature need not be afraid because it is the supreme body. It can scrap the whole Act and it can remove the University if they wish to do so. Government which holds the whip in one hand and the purse string in the other. Their auditors haunt about the University buildings for 9 months in the year. Every report, every budget estimate, every proceeding of the Senate is sent to the Government, every change in the regulation has got to get the sanction of Government. No new expenditure can be incurred unless sanctioned by the Senate whose proceedings are sent up to the Government. What more financial safeguards do the Government want, I do not know. Finally, let me remind the members of this House and the Hon'ble Member-in-charge that after all under the splendid constitution in which we are working to-day our resolutions can only have the effect of recommendations. They have no mandatory effect whatever.

At this stage the member reached his time-limit, but he was allowed by the Hon'ble the President to go on.

There is one point I should like to make perfectly clear, as I may have not another opportunity of speaking. Dr. Banerjea in his resolution has asked for one lakh of rupees recurring grant and two lakhs non-recurring grant but those who have not read his resolution might think that there is a difference between his resolution and mine. I want to remind the House that he has asked for one lakh in addition to the two lakhs which he assumes, with the optimism characteristic of him, would be recurring permanent grant to the University. I have, however, my doubts about it.

Lastly, I would touch on the fish market. I can only say this: the question of a recurring grant to the University is a question of improving the efficiency of the work done by the University as it is interwoven with the question of the development of the Ashutosh Building. We asked the professors why don't you do 12 hours' lecture work, why don't you come in touch with students more often and they replied that they wanted more room for classes, more room for them to hold seminary, more room

for holding lecture classes. Therefore the construction and the completion of the Ashutosh Building is urgently required as it will provide additional class rooms for students and improve the efficiency in teaching. I appeal to the Member-in-charge, who is himself a distinguished *alumnus* of the Calcutta University, and I appeal to the members of this House, most of whom are graduates of this University, to keep the banner of the University flying—to hold the banner of the advancement of learning aloft and now and for ever.

Dr. H. W. B. MORENO: Sir, as a very humble *alumnus* of Calcutta University it is expected of me to support a resolution of this kind. I know in the path of progress, along the line of education, the University of Calcutta has made errors and in some instances culpable errors, but my relationship with the University is such as may be expressed in the lines of the old familiar English song: "With all her faults I loved her still". What I feel with regard to the whole question is that the arguments raised in favour of the Dacca University apply with tenfold force to the case of Calcutta University. We were told in this council that Dacca University must be placed above all anxieties for the future and it must be given a free hand in its internal management and control. I think that with regard to the Calcutta University there is a need—and a greater need—in this direction. It is true that in the past troubles have arisen between the supporters of Calcutta University and the powers that be. This led to an estrangement; it was probably due in a large measure to the attiude of those who were the supporters of Calcutta University at the time. But I think the time has come now—and His Excellency Lord Lytton has said it—when we should wipe out old scores and begin with a clean slate.

I should have very much preferred to have heard the Government views before discussing the question in full. It is regrettable, Sir, that while we have one side of the question presented to us in this House, we are not privileged to hear after it the views of the other side in this House. I hold, and I think a few other members of the House also hold with me, that if we had the arguments on both sides placed before us, we could be better served in coming to right conclusions, so that the debate could be shaped along right lines. But I take it that the Government accepts the principle that some help is necessary for the Calcutta University—the Hon'ble Sir Abdur-Rahim has said before that the principle is conceded. The point that follows is what is the amount that is required for the upkeep of the University? Dr. Bidhan Chandra Roy's illuminating speech has given us ample details that no less than a demand of Rs. 3 lakhs is necessary. Looking into the resolution itself, what does it imply? It simply conveys a recommendation to the Government to act in the matter. This Council is asked to recommend only to the Government the giving of Rs. 3 lakhs to Calcutta University as a

recommending grant. It is left to the Government, after the recommendation made in this House, to accept it or not. If it feels that Calcutta University requires, as indeed has been shown by those who have stood for the resolution and who have supported it—such a grant, it should act without delay. I say if it has been shown to the satisfaction of this House that there is a real need of Rs. 3 lakhs for the upkeep of the University—I fail to see what other attitude this House can take than to accept the proposals made and strongly recommend to the Government to act according to the wishes of this House.

Sir, it has been well said that the three great needs of India are—first education, secondly education and third and lastly education— and, with this in view, I think this House cannot but support with all the power it possesses, such a recommendation which is after all for the welfare and spread of learning.

For these reasons I heartily support the recommendation embodied in the resolution for the grant of Rs. 3 lakhs to Calcutta University.

Sir PROVASH CHUNDER MITTER: Sir, I desire to say a few words to convey to the Government and the members of this House my personal views as also the views of the party that I have the honour to represent in this House. We are in favour of these resolutions. Not only are we in favour of these resolutions but we are of opinion that the Calcutta University and the Dacca University ought to be treated in the same manner with regard to the question of statutory grants. Without statutory grants it is difficult for a University to continue its useful work, and as this House has already passed an Act granting a certain annual sum to the Dacca University on a statutory basis, the grant that will be given to the Calcutta University should also be on a statutory basis and in this we are not without a precedent. The University of Madras in the recent Act has been provided with a grant on a statutory basis. It was the case for the Government that the statutory grant of the Dacca University was on the basis of its bed-rock needs. The Madras University grant too was for its minimum needs. The statutory grant to the Calcutta University should also be on the same lines. Now with regard to the Calcutta University a question may arise what are its bed-rock needs, and on this point in order to answer the question we have to consider a further point. I think there is no difference of opinion between the Government, the members of this House and the public that a University as regards its internal administration and specially in academic matters, ought to be an autonomous body. Now if a University be an autonomous body it ought to be the function of the constituent members of the University—the Senate in the case of the Calcutta University or the Court in the case of the Dacca University—to supervise and scrutinise its financial administration. Now with

regard to the Calcutta University to-day we must remember that Education is no longer a transferred subject. It is now a reserved subject. His Excellency the Chancellor nominates Fellows to the Calcutta University. In the past the Chancellors—His Excellency the Viceroy and later on His Excellency the Governor of Bengal—all along, even when Education was a transferred subject, had the gift of nominations. Now 80 per cent. of the members of the Calcutta University are nominated. Therefore, if it is an autonomous body, if it is a body the members of which are nominated by the head of the reserved Government, the position to-day is somewhat different from the position in the past and what it may be in future if say, three months hence, the Council makes up its mind to have a Ministry. If there be a Ministry, that Minister will be responsible to this House and through the members of this House to the people of Bengal. But so long as Education is a reserved subject, I hope and trust Government will take up the attitude that the internal administration of the Calcutta University being conducted by a majority of members appointed by the head of the Government, any decision come to by that body is entitled to great weight. I understand that according to the majority of the Senate Rs. 3 lakhs was the sum which was found to be necessary for the minimum requirements of the University, I know there was an influential minority in the Senate who were of a different opinion, but if we have to accept the proposition that the University ought to be an autonomous body, Government under present circumstances ought not to go back on the decision of the Senate when 80 per cent. of the members are the nominees of the head of the reserved Government. That being the position, even if closer examination discloses that a few thousands may be saved, considering the matter from every aspect, I hope the Hon'ble Sir Abd-ur-Rahim will agree to the grant recommended by the majority in the Senate.

Now, Sir, with regard to the fish market, there are one or two things which I desire to place before the House and there is also a personal element in it. When I had the honour of being the Minister for Education I found that there was a litigation pending between the Government and the University as regards the fish market. I settled that litigation in favour of the University, not because I wanted to please anybody but because I thought that it was very necessary that the University should have the land which was acquired for its benefit. It was necessary for its expansion and for the proper discharge of its functions. Now the building which has been erected there has been happily named after the late Sir Ashutosh Mookherjee. That building is practically a half-finished building. A grant to complete that building will add in every way to the efficiency of the University and this aspect of the question, I hope and trust, Sir Abd-ur-Rahim will also consider.

I will sit down after only referring to one passage in the speech of Dr. Bidhan Chandra Roy. Dr. Roy apparently lamented the fact that education is no longer a transferred subject. I hope when the time comes to revise that position, Dr. Roy will bear in mind what he said to-day.

Babu BEJOY KRISHNA BOSE: Sir, all that could be said on this subject has been said by my friend Dr. Bidhan Chandra Roy in the course of the debate to-day. He has gone into the minutest details. So, after what he has said, I think it will be a sheer waste of time if we speak at length on this resolution. It appears, Sir, from the observations of Dr. Moreno that the principle underlying this resolution is acceptable to the Government. The only question is the question of amount. I submit, Sir, that if that be the only question before the House, the Government as has been well said by Dr. Roy, ought to accept the almost unanimous decision of the Senate, when they considered both the majority and the minority reports. The question now is not whether so many professors are wanted in the Post-graduate Department—the question is not whether the amounts which are payable to these professors are enough or rather larger than what is needed in the circumstances. The question is whether this University the Calcutta University—ought to be an autonomous institution and whether this Council will be allowed year after year to look into or rather pry into the internal affairs of the Calcutta University. Since the year 1921 when the University was transferred to the Government of Bengal, difficulties have arisen over the question of this grant. I remember, Sir, when I was not a member of this Council, discussion took place here over the management of the affairs of the University. Since then there have been several committees and several conferences to settle the difference between Government and the University. After two or three years of constant bickering, a very representative committee was appointed last year presided over by a man of eminence and consisting of distinguished educationists, and that committee came to the decision that the Post-graduate Department ought to be run on the lines on which they were being run of late. Therefore the question before the House is a simple one—if the department is to run and to be maintained it cannot be done with the Rs. 3,33,000 at the disposal of the Senate. Something not less than another 3 lakhs are necessary. I think that after the decision of the Council with regard to the Dacca University Amendment Bill the Council will not grudge this small amount of 3 lakhs a year for at least two or three years to the Calcutta University because I find that in the case of the Dacca University the argument was brought forward here that it must be an autonomous University and that the legislature ought not to interfere in its internal administration. Even no time-limit was mentioned in the Bill that was passed last week; it was never mentioned that the

grant was for 5 or 10 years to help an infant institution but for all practical purposes it was an amount granted in perpetuity and perhaps it will be increased—I don't think it will ever be decreased. If that be so Government cannot now say that they have done this for the Dacca University but they are not going to give this 3 lakhs to the Calcutta University. There is such a thing as চক্ষু লজ্জা in Bengal which is untranslatable in English. Is it because we have it whereas the Europeans have not got the same? I think they will have চক্ষু লজ্জা in this matter and what they have done for the Dacca University they will do for the Calcutta University. I think the Hon'ble Member will make the position of Government with regard to the Calcutta University clear in his reply. I think there is no difference of opinion among the members of this Council that this grant should be given to the Calcutta University.

Babu BORODA PROSAD DEY: If I rise to support this resolution after the most illuminating and detailed address of Dr. Bidhan Chandra Roy I do so simply because I want to have an opportunity of having my say in regard to the grants not only to the Calcutta University but to Universities in general. This Council representing the whole of this province ought to feel, and let us hope it does feel, interested in the welfare and development of both the parent University of Calcutta and the infant University of Dacca. It is a principle which I think is acceptable to all right-thinking persons that an institution like an University ought always to be above want; an institution of this character ought not to be subject to the sweet will of Government or even of a representative legislature. The principle should be established that Government or the legislature should form a committee of experts who should go into the accounts of the Universities within their areas. The Committee should look into the accounts of the ordinary income from various sources and the ordinary expenditure of the University under different heads. That committee should be in a position to advise the Government and the Council as to the amount which ought to be given to that particular University to keep it above want, for this is an institution which ought always to be autonomous and independent. It is said and it has been said in this Chamber that it is a salutary principle that these grants should be brought on before the legislature every year so that the members might have an opportunity of looking into the working of that University. I for myself am not prepared to subscribe to that principle, for even as a member of a representative Council I should think that a University should not be placed in its ordinary working under the control of that Council.

The first thing that ought to be done is either to do what we did only last week for the Dacca University or to have a committee of this Council for both the Calcutta and Dacca Universities and to go into

the financial questions of both the Universities and find out what would be the proper sums to be given for them and make such sums recurring grants and non-votable. It is with that view that I sent in an amendment to this resolution. It was unfortunately ruled out.

Mr. PRESIDENT: You need not refer to that amendment. That is not the practice.

Babu BORODA PROSAD DEY: I was simply mentioning it——

Mr. PRESIDENT: You should not.

Babu BORODA PROSAD DEY: What I mean to say is that a committee of that character should be formed. As it is we have not waited for that committee for the Dacca University, we have made a grant to that University and made it non-votable. What is now wanted for the Calcutta University is certainly a very legitimate request which, let us hope, will be accepted not only by this Council but also by Government, and this amount will also be made non-votable as has been done in the case of the Dacca University by a Bill which had been brought in by Government last week.

With these words I support the resolution of Dr. Bidhan Chandra Roy.

Babu DEBI PROSAD KHAITAN: Sir, as one of the supporters of the Dacca University Bill it delighted my heart to hear the very strong and convincing arguments put forward by my hon'ble friends on the other side in support of a grant for the Calcutta University. I do not wish to say anything in my weak language which would go to weaken the strong arguments that have been put forward by them in favour of a grant to the Calcutta University whose product I myself am. The Hon'ble Sir Abd-ur-Rahim moving the Dacca University (Amendment) Bill, as I understood him, gave an undertaking on behalf of Government that the case of the Calcutta University was being investigated and that a similar Bill would be introduced in regard to the Calcutta University. All the arguments that my friend beyond—the Hon'ble Sir Abd-ur-Rahim, adopted in favour of the Dacca University Bill applied equally strongly to the Calcutta University and I have not the slightest doubt that as the Hon'ble Member was just towards the Dacca University he will not only be just but generous towards his own *alma mater* and that as soon as the Council meets again we shall find a material thing done by him in order that the Calcutta University may, without any further difficulty, be able to go forward with its schemes for the advancement of learning which it has up till now been trying to do with some difficulty.

I wish to strike no discordant note but there is one portion in the argument of Dr. Birhan Chandra Roy which I cannot allow to go uncontradicted. This he used I know very well in his zeal towards the Calcutta University. I refer to his argument that as soon as a report is made the minority merges in the majority. If that principle were adopted we, Indians, would be harder hit than anybody else.

Dr. BIDHAN CHANDRA ROY: May I rise on a point of personal explanation? I never said that. I said that as soon as the majority and minority reports had been considered by the Senate that had appointed the Committee, the majority and the minority converged together.

Babu DEBI PROSAD KHAITAN: I am glad that he adds this word of explanation, but I wish to explain to the House that two of my friends Dr. Pramathanath Banerjea and Babu Manmatha Nath Roy, have tabled two resolutions—Nos. 35 and 36—in which they advocate that the minority report be accepted. Dr. Banerjea will remember perfectly well that when the Indian Fiscal Commission made their report the country with one voice demanded that the minority report should be accepted by Government. I hope, therefore, that no one will understand the argument of Dr. Roy to mean that once a committee has reported the minority report is to be thrown away into the waste-paper basket.

Dr. BIDHAN CHANDRA ROY: I never said that.

Babu DEBI PROSAD KHAITAN: I whole-heartedly support the resolution which has been so ably moved by my hon'ble friends.

Maulvi EKRAMUL HUQ: I am under the orders of the President to finish my speech within as short a time as possible. At the start allow me to say that I am fully in sympathy with the demand that has been made by my friends opposite but I shall request them to remember the saying of the Holy Bible "Do unto others as you would be done by", for future guidance and I wish that they had come forward to whole-heartedly support the Dacca University Bill, instead of trying to shelve or oppose it. (A VOICE: We did.) Some of them wanted a scrutiny into the accounts of Dacca University. Could not, Sir, someone from this side of the House now make a similar demand and ask for a similar scrutiny? Could we not from this side of the House say that there are many abuses prevalent in Calcutta University that should be rectified?

Some of my friends here in this Council are very much upset because Calcutta University are cruelly unjust to their cause. What is the position of Muhammadans in the constitution of Calcutta University? In the Syndicate we do not find a single Muhammadan although the

number of members of the Syndicate is 17, and as for the Senate, there are about 110 members but of those not more than a dozen belong to the Muhammadan community and as for the Marwari Community my friend Mr. Khaitan informs me that they have been an outcast from the University and such is the case of the Anglo-Indian Community also----

Dr. A. SUHRAWARDY: Why, the Marwaris have their Sir Kailash Chandra Bose.

Maulvi EKRAMUL HUQ: My learned friends on the other side will say and have said while talking about the Dacca University that 50 per cent. of the nomination is vested in the Vice-Chancellor and they accuse Government for the neglect of Muhammadan interest. Now my friends who are the pioneers of nationalism and the apostle of freedom should they not see to it that by election the number of Muhammadans taken in the Senate and the Syndicate should be according to their proportion? We should be true to our professions and promises and I hope that from now my hon'ble friends of the Swaraj, Independent and Liberal Party do make it a point to see that the qualified Muhammadans are always taken in the Senate as well as in the Syndicate through election and through nomination in accordance with their numerical strength.

As for the Vice-Chancellor, allow me to say that he might not be a Hindu, by religion, but he is a Hindu by surroundings, may hon'ble friends Dr. Pramathanath Banerjea, Dr. Bidhan Chandra Roy, Babu Bejoy Krishna Bose and persons of that sort meet him while Muhammadans have no admission before the mighty Personage and there is no one to listen to what they have to say——

Mr. PRESIDENT: Maulvi Sahib, your remarks are quite irrelevant.

Maulvi EKRAMUL HUQ: That is the position and I hope it will be rectified.

One thing I should like to point out to the hon'ble members who have brought this demand. Is it not that there is the Post-graduate reorganization Committee report before the Government and the Government has in this very House informed us that they are quite willing to introduce a Bill for Calcutta University also? Is it not to the interest of my hon'ble friends and they are the best judge of this, to wait for a short time and see this Bill introduced in the House by Government? But if they think that they should carry this demand, then, so far as I am concerned and many of my hon'ble friends on this side are concerned, I may inform the House that we are quite prepared to go with them into the same lobby.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Mr. PRESIDENT: Order, order. I think it only right to answer Babu Akhil Chandra Datta a little more fully on the point he raised at the beginning of to-day's meeting. It is the practice in all Legislative Councils in India to receive messages delivered in the actual words of the head of the Government standing. Babu Akhil Chandra Datta appears to think that he has a grievance in this matter and has stated that I have introduced an innovation so far as this Council is concerned. I would inform the hon'ble member that the innovation which he alleges I have introduced, is not an innovation at all, but has been the practice of this Council also. I would remind Babu Akhil Chandra Datta that as recently as the 13th of this month my predecessor, Sir Evan Cotton, when delivering His Excellency's message, signifying His Excellency's approval to my election as President of this Council, asked the Council to receive, and they duly received, His Excellency's message standing.

The Hon'ble Sir ABD-UR-RAHIM: I will be very brief in dealing with the resolutions that have been moved on the subject of a grant to be made to the Calcutta University for carrying on their post-graduate work. It is not necessary for me to deal with the matter at any length for the simple reason, as I have said in answer to a question put only about two days ago, that the Government is considering the report on the subject and that we shall be in a position very shortly to come to a decision. We have not been able yet to come to any decision, and I think every member of the House will be ready to concede that considering the questions raised, it is only proper that we should deal carefully with the matter and should have sufficient time in order to come to proper conclusions.

The House has been told that the Committee appointed to inquire into the subject and to report to the Senate held as many as 75 sittings and then produced their report. There is also, as the House has been informed, the dissentient note of a minority. There are again certain questions of principle involved in this. I shall indicate very shortly what they are so that the House may not think that we are unreasonably delaying the matter. As a matter of fact, we are expediting it as much as possible. A personal appeal has been made to me from different sections of the House to deal with this demand for the University in a liberal spirit. I do not think any such appeal was necessary, because I assured the House already in dealing with the Dacca University that we are prepared to deal with a similar demand on behalf of the Calcutta University in not only a sympathetic but liberal spirit. But it is not reasonable on the part of some members of the House to try to rush us to a conclusion before we are in a position to consider the matter properly. It has been said that we have got the report of the Committee, there is the decision of the Senate to accept the decision of the majority and therefore the matter is concluded. To

that Mr. Khaitan has given an absolutely convincing answer. Government cannot be expected to brush aside the decision of distinguished educationists like Mr. Oaten, Mr. Stapleton and others who have agreed with them. We must consider the considerations and the reasons put forward by them. I have never suggested to the House whenever any such question was raised, and I do not suggest it now, that Government will not be prepared to make whatever grant is found adequate for the working of the Post-graduate Department of the Calcutta University. In fact, His Excellency the Chancellor of the Calcutta University has repeatedly assured the University that he has every sympathy with the work of the Post-graduate Department, and wishes to see it carried on in an efficient manner. I am not however, at present, in a position to discuss the question of the figure.

As regards the general policy involved, there is no question at all; I have made that sufficiently clear. The only question is one of amount. Dealing with that, several members of the House cited the case of other Universities, *e. g.*, Lucknow, Allahabad and Dacca. I only wish to point out that these analogies have no bearing on the point, and we cannot go by them. These Universities undertake the teaching of under-graduates as well. The work of the Calcutta University is confined almost entirely to post-graduate teaching. So there is considerable difference between them. If the Calcutta University, for instance, had undertaken under-graduate teaching, the cost would be very much more.

I have said there are important questions involved in Post-graduate Committee's report. One of them, for instance, is whether we should consider the finances of the Calcutta University as a whole or whether we should deal with them separately. If we take the finances as a whole, then the resources with which to carry on the work of the Post-graduate Department will be much larger, and therefore the deficit which the Government has promised to meet, will be much smaller. On the other hand, if we treat the Post-graduate Department as a self-contained unit, then very likely the amount of deficit will be larger. That is an important question of principle which we have got to decide, and in a matter like this we have to be advised by our financial advisers. There is also a question of law involved; for instance as regards the Law College, whether the surplus left in hand after meeting the expenses of the Law College is at the disposal of the University. If it is, in that case the deficit will be reduced. Then, as I have said, Government cannot possibly ignore the considerations which have been urged by such eminent educationists as those who drafted the minority report. I submit to the House that the friends of the Calcutta University would have been better advised if they had left the question of the amount alone at present being satisfied with the assurance that we shall make adequate provision for carrying on the work of the University, and that we are prepared to take a liberal view. We do not propose to treat the Calcutta University in a niggardly manner.

We have given them the assurance, we have also given them the pledge that we are expediting the examination of the whole question and that we shall be in a position very shortly to lay before the Council, the Calcutta University and the public what we think is the amount necessary and adequate for the purpose of carrying on the post-graduate and research work. We have not lost any time in considering this matter, and if we were now to argue the question it would not be fair to any one because we have not been able to formulate any decision or to consider all the aspects of the question. Any conclusion that may strike me or any official of Government, *prima facie* may, on further examination, be found to be wrong. Supposing at present we were inclined to support a lower figure, it is quite possible that on further examination we may find that this figure would have to be increased. It is not fair to rush the Government and make us say that we must here and now accept a particular figure or reject it. We are not in a position either to reject or accept any figure at present. That is exactly the position and it is very inadvisable on the part of any member of the House, when the Government is still considering a question, to come and press the Government for a decision. Surely in a matter like this the friends of the Calcutta University could very well wait for a few weeks more, and I do not see how it will inconvenience them in any possible way to wait. I know that the Government is not bound by such a resolution as this. It is the responsibility of Government to find money for any particular purpose and Government cannot be asked to shirk that responsibility. If the Council comes to a conclusion merely on the statement of one side of the case, surely Government will not be inclined to attach as much importance to the resolution of the House as it would if the House arrived at that conclusion after giving Government sufficient time to consider the whole question from every standpoint. That is the position and in the circumstances we do not feel called upon either to accept the resolution or reject it. I might just state one or two facts in connection with the questions to be considered. In 1921, for instance, the case of the University was that the deficit in the Post-graduate Department amounted to Rs. 1¼ lakhs. In 1924, Sir Ashutosh Mookherjee himself stated at a Conference at Government House that a sum of Rs. 2 lakhs was required to meet the deficit, and we made a provision for 2 lakhs in the budget. Now, it is said that a sum——

Dr. BIDHAN CHANDRA ROY: May I inquire of the Hon'ble Member in what month in 1924 did Sir Ashutosh Mookherjee make that statement?

The Hon'ble Sir ABD-UR-RAHIM: I think it was in March.

Babu MANMATHA NATH ROY: May I inquire of the Hon'ble Member if there is anything in writing to show that Sir Ashutosh Mookherjee made that statement?

Mr. PRESIDENT: The Hon'ble Sir Abd-ur-Rahim has made that statement and it should be accepted.

The Hon'ble Sir ABD-UR-RAHIM: I have made that statement advisedly as I was present at that Conference. As I have already said, the House ought not to be in a hurry in a matter like this.

As regards the other question that has been raised regarding the building on the fish market, or as it is called the Ashutosh Building, I may say one thing: I have tried to find out if there is any paper in this connection in the Secretariat, but without any success. I am told that an application was made by the University, but I cannot trace it, at any rate, the matter was not put before any responsible person for consideration.

Dr. BIDHAN CHANDRA ROY: May I send to the Hon'ble Member in charge all the applications that have been made by the University from time to time?

The Hon'ble Sir ABD-UR-RAHIM: I cannot trace any file, but now that the question has been raised, the matter will have to be considered. There is one thing that I ought to say here in defence of Government. Dr. Pramathanath Banerjea exhibited a picture in this House of the building which is not yet completed. I may tell him that if the building is not completed, it is not the Government that could be blamed for it. Government never promised any grant for the purpose. When the authorities of the University started it on a particular plan, they ought to have made sure that their resources were enough; and if they embark on mere speculation surely it is not Government that could be blamed. I say, therefore, that Dr. Pramathanath Banerjea was ill-advised in exhibiting the picture here implying that somehow or other the blame must be passed on the shoulders of the Government. I know the shoulders of the Government are very broad and some of the members of this House are not very slow in laying the blame for everything on Government. But there is no reason why knowing all the facts, imputations of this sort should be made.

The motion of Babu Khagendra Nath Ganguly was then put and agreed to.

The motion standing in the names of Babu Naliniranjan Sarker and Dr. Bidhan Chandra Roy and part (*i*) of motion standing in the name of Babu Manmatha Nath Roy were not put as being covered by the decision of Babu Khagendra Nath Ganguly's motion.

The motion of Dr. Pramathanath Banerjea was then put and agreed to.

Part (*ii*) of motion of Babu Manmatha Nath Roy was then put and agreed to.

Women suffrage.

Dr. H. W. B. MORENO: Sir, I rise to move a resolution of some magnitude and importance to this Council and to the people of Bengal. The resolution runs so : " This Council recommends to the Government that sex disqualification for registration on the Electoral Rolls, provided in Rule 7 of the Bengal Electoral Rules, be removed entirely, and that regulations be made providing that women shall not be disqualified for registration in the Electoral Rolls by reason only of their sex." In other words the resolution provides for the enfranchisement of women in Bengal.

I know that in the past, in this Council, a similar resolution was moved which met with scant success, but I would like to ask the members of this House not to be prejudiced by what has happened before in this Council, but to keep an open mind and to have no rancour in their hearts and no bias in their heads. For myself I hope to cleave an untrodden path, leading the members to " fresh fields and pastures new ". In order to make my arguments more lucid I have thought fit to divide the whole subject of the debate into three main categories—the argument as it affects the European and Anglo-Indian communities, as it affects the Muhammadan community, and as it affects the Hindu community. I hope in my conclusion to show that much of what is thought insurmountable in this matter in reality offers no difficulty at all.

Dealing with the European and Anglo-Indian communities I should like to draw their memories back a little time before the Great War. It is well remembered how throughout the old Country in the early days, the suffragette movement was launched; and time and again it met with failure. It was only when the dark clouds of War burst upon the horizon of Europe, when the men lay armed to the teeth in the bleak trenches to face the cold bayonets and the stinging bullets of the enemy, that the women rose to the occasion; and to their honour and glory, may it be said, that they went to the munition factories with willing hands and loving hearts in order that they may also help to thrust back the devastating hordes that stood between England and liberty. They slackened not, neither did they cease, till civilisation had once more spread itself over the fair face of Europe. It was after that memorable time that the people of England granted with a generous heart the franchise to women as a recognition of their supreme effort in the time of war and strain. I can conceive of no European nor Anglo-Indian member here who can be actuated by any other feelings than these, in dealing with this great question in Bengal. The Mother of Parliaments has already conceded what it has considered to be a just and fair privilege. Bengal dare not do otherwise.

Dealing with the argument as affecting the Muhammadan community, I should like to remind my Mussalman brethren that it is far

from the teachings of their sacred Koran not to have democracy in its broadest and widest sense propagated through the community. My slender studies of Islamism have taught me that it always gives a rightful claim to women and insists upon their having a rightful share in the body-politic, and in all that pertains to the welfare of the nation and the community. We have seen how in a neighbouring Empire, the Turkish Empire, enfranchised women have produced rich fruits in moving the destinies of that nation. I, therefore, appeal to the Mussalman members to look upon this question with a just mind, so that they may keep untarnished the high principles that others in their turn have kept unblemished in the region of Islam.

Dealing with the Hindu community I should like to remind them of the noble examples of their forebears. Was it not Shavitri who faced all vicissitudes to claim Satyaban, her husband, even from the jaws of Death, rescuing him back to her arms by undaunted courage? Was it not Damayanti who secured her Nala in spite of so many trials, in spite of so many tribulations? Was it not Shakuntala, who claimed back her Dushyanta, although faced by tremendous odds——.

Mr. CAMPBELL FORRESTER: Sir, I rise to a point of order. Is the Hon'ble member correct in addressing the gallery. (Laughter.)

[The ladies gallery was full.]

Mr. PRESIDENT: Dr. Moreno please go on.

Dr. H. W. B. MORENO: I know as well as Mr. Campbell Forrester does that the gallery cannot take part in the debates, so that there is no need for me to address it.

Mr. PRESIDENT: I also know that, but the circumstances are peculiar to-day. (Laughter.)

Dr. H. W. B. MORENO: Sir, if that has been the position of the forefathers of the Hindu community I fell sure that a remembrance of this kind will have a salutary effect upon the modern generation and that they will be——

Mr. A. C. BANERJEE: On a point of order, Sir. Has Dr. Moreno any right to allude to the forebears of the Hindu community?

Mr. PRESIDENT: I do not think that he went so far as that.

Dr. H. W. B. MORENO: Dealing with modern politics and leaving these inane interruptions aside, I will deal with the question as it affects modern conditions. Bombay and the Madras Presidency have both granted the franchise to their women; I see no reason why Bengal should lag behind. Sir, it has been aptly said that what Bengal thinks to-day India thinks to-morrow. I hope and trust that Bengal will retain that position of light and leading which she has always maintained in the past.

If, further, arguments are wanted I would point out that the Calcutta Municipality have already granted the franchise to women. Within the precincts of this City we have that franchise working with good results. If my friends who are against the resolution say that there are difficulties in the way then I would reply: Are such difficulties insurmountable? Cannot they be overcome? Have they not been overcome so far as the Calcutta Municipality is concerned? I think there is very little in an argument of this kind, that seeks to put up obstacles, where there are none.

It has been recognised that the advent of women into politics in England has considerably purified the politics of that land. We have had some of the best measures introduced and supported by women members, which have gone to purify the hearths and homes of the people in England. I feel sure that if we have the introduction of women in politics in this country we shall certainly purify much of our politics which already at its source, has been polluted. In England women have not only been given the franchise but they have been permitted to sit in Parliament. They take part in the deliberations of Parliament and are achieving much good there. In Bengal what we are asking for, by legislation of this kind, nothing more than merely to afford voting rights to women? When we consider that votes have been given to most ignorant villagers there can be very little reason why women should be shut out from the franchise. I would therefore appeal to my friends in the Council to support so worthy a resolution. I appeal to them in the name of justice that they will not withhold from others what they themselves possess. I appeal to them in the name of the people of Bengal, for whom they are here in a position of sacred trust. Public meetings have been held throughout the province supporting such a resolution and this House can hardly afford to do otherwise. Finally, I appeal to them in the name of all that is sacred to them—in the person of their mothers, their daughters, their sisters and their wives to support my resolution that it may find acceptance in this House, a House that has always stood for liberty and enfranchisement.

The following amendment to the resolution of Dr. H. W. B. Moreno was not moved.

Dr. PRAMATHANATH BANERJEA to move, by way of amendment, that in motion No. 13 the following amendments be made, namely—

(i) line 4, the word "entirely" be omitted; and

(ii) in line 5, after the words "electoral rolls" the words "of the Calcutta and Dacca University constituencies" be inserted.

Hajji Mr. A. K. ABU AHMED KHAN GHUZNAVI: I feel it my painful duty to oppose the resolution of my gallant friend but, because, I do not equally desire to emulate the good example of my friend and be gallant to the fair sex for whom I have always the greatest admiration and towards whom I hope I have always been gallant. The pages of history are strewn with noble deeds and magnificent activities on the part of the fair sex throughout all ages and among all communities, Moslem, Christian and Hindu. Nor, has Islam lagged behind—nay, it occupies the foremost place in giving to womanhood its just dues, spiritual, material, social and legal. But, Sir, in a question like this we are not concerned with the precepts of Islam, Christianity or the Shastras, nor are we concerned, merely with the academic question as to what would be fair and just in our dealings with the fair sex. Neither, am I influenced by that never forgotten Neopolitan folklore *La donne e mobile, qyal piu mal gento Muta d'scento o dipensiero* which lays so much stress on the ever changefulness of womankind.

Here we are purely concerned with the prosaic and dry fact, *viz.*, whether or not we should extend the franchise to the women of Bengal, having regard to the fact that it has been so extended in some of the other Provinces.

Now, Sir, if you will permit me and with the indulgence of this House, I shall read a short extract from the speech which you, Sir, delivered in this very House on the 1st of September, 1921, on this very subject:—

Vague comparisons confined to generalities can be of no avail. If Madras and Bombay can have female franchise, why not we? If life be possible on the Earth why not on the Moon? Never mind the condition of the Moon, whether there is any atmosphere or not. The acceptance of an abstract principle must depend on its possible applicability and that too on the conditions subsisting. Female franchise may be all right where suitable conditions prevail. But here in Bengal, before we accept the principle, we must recognise the conditions under which it must be applied—the atmosphere of the purdah. How would the ladies vote? Would there be one polling booth for both men and women? That is absurd and not even suggested. Would there be two separate booths? One for men and the other for women? Then let us see what would happen. Who would be recording officer? If a man, he will have some subordinates too. We all know what feelings our women have if they have to depose in courts, how they try to shun an appearance there, and how even serious cases are not prosecuted simply for fear that the ladies of the house may have to depose. And if the votes be recorded by women? Have you that large number of efficient, responsible women, willing to do this work, for you cannot force such duties on women, and is the number sufficient for the whole province of Bengal?

Mr. PRESIDENT: This is all old matter, Mr. Ghuznavi, have you got anything new to say?

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: This I think disposes of the whole question. Furthermore, there are two other points which have to be considered. In Eastern Bengal the Moslem population is if anything more than 70 per cent. In both the Bengals taken together, the Moslem percentage would come up to over 55 or thereabouts. Out of this percentage the bulk of female population, and I would not be far wrong were I to say 99 per cent. of them would be illiterate. Illiteracy or even property qualifications were made the basis of the proposed franchise, then Moslem electorates would be reduced by thousands nay, millions of voters.

Then, again, the existing qualifications with regard to male suffrage are so low, as to confer the vote on thousands of illiterate and easily misled male villagers. What would be the consequence of conferring the vote on thousands or millions of female villagers can be better imagined than perhaps described. Throwing open the gates of franchise to women in Bengal at the present time would only benefit an infinitesimally small portion of our mothers and sisters who, I have no doubt, are now in a position to exercise their vote with equal or perhaps even greater amount of political sagacity than the more males. But what about the army of courtesans and demi-moudaines who would flock to the polling booths and some of whom might find their way into this House to detriment and corruption. It is enough that our political atmosphere is regarded as being already tainted. It would be suicidal were we to create further avenues for malpractices and corruption.

Babu UMES CHANDRA CHATTERJEE: Sir, India is a subject country and politics is more necessary here than in any other country. Politics should be the religion of all people, male and female, living here. This sex qualification, if removed, will greatly help the education of our women-folk in politics without scholastic education of high order. This removal will develop the political instinct in the midst of domestic occupation.

With these few words I whole-heartedly support the resolution.

Babu HEMANTA KUMAR SARKAR: My right to speak on woman franchise has been questioned by some of my hon'ble colleagues because I happen to belong to that mysterious class of people who pass by the name of bachelors. I also question the motive of my friends. I am perfectly sure they are not devoted husbands who should be as henpecked as Rip Van Winkle of the famous story of Washington

Irving. They want Home Rule in politics, but do not like to grant franchise to the rulers of their own home. When I raised the tenancy question in the Swarajya Party, my friends said they were not prepared to drag the country into a civil war, before the bureaucracy had gone. I do not know if they are prepared for a civil war of a more dangerous nature in their every hearth and home. I am sorry the Swarajya Party could not vote for this resolution in a block. Swaraj stands for freedom, Swaraj stands for progress and emaucipation.

Political rights for women are not an unknown thing in India. From the "Vedic" time downwards women have played a great part in the political history of the nation. In domestic politics even to-day they reign supreme as autocrat of autocrats. Many of the hon'ble members are afraid that if women are enfranchised they will at once begin fighting for the right of standing as candidates for the Council election. This means our occupation will be gone, the whole principle of division of labour will have to be revolutionised. I am looking forward to that day when instead of the British bureaucracy we shall be under the sweet sway of a feminine rule even in this Council Chamber. The same old masculine faces every day have generated life in this Council. But for the ladies' galleries I think many our hon'ble members would not have taken the trouble to walk into the division lobbies over and over again during the scorching heat of March and the Legislative Department showed a great insight into human nature when they arranged lady visitors' seats just near the doors to hell or heaven. We young men are looking forward to the day when the President of this Council will be elected uncontested not for his worth, but for his beauty and when instead of wigs there will be long dark hair as beautiful as the summer clouds, there will be a spot of vermillion on that lovely forehead instead of white "chandan" and need for shaving will be replaced by natural cleanliness. Such a President with gown and flowing robes like Shakespeare's Portia is sure to command respect and discipline from every body in this House. The monotonous cries of "order, order" will no longer be heard and the slanting glance of the President alone will be enough to allure the hon'ble members to discipline. In cases of failure our President may use the indigenous insignia of royalty in our home. I mean the broomstick, a well tried weapon which has turned many a delinquent into perfect gentleman.

Mr. PRESIDENT: Mr. Sarkar, the question of President or members does not arise. Under the rules the women-folk, if the sex disqualification is removed, can only exercise their vote.

Babu HEMANTA KUMAR SARKAR: I am only following the footsteps of Kumar Shibeekhareswar Ray.

Mr. PRESIDENT: Then there was no Kumar Shibsekhareswar Ray as President but now the Kumar is the President. You cannot follow that example.

Babu AKHIL CHANDRA DATTA: Follow his ruling but not his example. (Laughter.)

Babu HEMANTA KUMAR SARKAR: Sir, I cannot imagine how some of our friends could oppose this resolution. Do they think they will have to grind spices and cook food at their home or take care of the children, if their wives are made M. L. C's? I say what is the harm. The poet has said "Old order changeth yielding place to new and God fulfils himself in many ways". If the men have not sufficient faith in their wives, they may come and sit in the visitors' gallery and watch the proceedings in silence. I can safely hope people who have got termagant viragoes or amazons as their co-partner in life will be only too glad to give women any right which will keep them separate for few hours at least in the day.

Mr. D. N. ROY: On a point of order, Sir.

Babu AKHIL CHANDRA DATTA: On a point of order. There are certain limits beyond which——

Mr. PRESIDENT: Better leave those points to me, I shall be able to better judge and decide those points. Go on Mr. Sarkar.

Mr. D. N. ROY: Can we not rise on a point of order?

Mr. PRESIDENT: Yes, certainly. What is your point of order?

Mr. D. N. Roy: Your ruling, I thought, gave us no right as to whether we can rise on a point of order.

Mr. PRESIDENT: If you want to put questions of that nature to your President, I think, I can never allow that in this House.

Babu HEMANTA KUMAR SARKAR: I do not know what the fate of this resolution will be. In the first Council the resolution was defeated. If it is defeated in this Council too, eternal shame on the

manhood of Bengal. I shall here quote a few lines from a Bengali poem:

বাঙ্গলা দেশের শ্যামলা মেয়ে
ঘুমিও না আর ঘুমিও না।
গামলা মুখো আমলাগুলোর
মামলা তোমার শুনিও না।

জাগবে যদি নিজেই জাগো
নিজের পায়ে ভর দিয়ে,
নিজের কাজ হয় কি কভু
স্বার্থপর সব পর দিয়ে ?

দেবতা ব'লে বিকোন যিনি
তুমি যে তাঁর দেবদাসী,
চরণসেবা বন্ধ হ'লে
যায় যে মুছে তাঁর হাসি।

এমন মানুষ ক'জন আছে,
প্রভুত্বেতে নাইকো লোভ !
প্রজা হ'লে রাজার সমান,
রাজার তা'তে হয় না ক্ষোভ।

বাঙ্গলা দেশের শ্যামলা মেয়ে
উঠুক তোমার চোখ রেঙে,
স্মার্ত্ত, রঘু, মনুর বিধান
পায়ে চেপে দাও ভেঙে।

গর্ত্তে ব'সে হাঁপাক নারী
পুরুষ চলুক পথ দিয়ে,
কন্যা করুক একাদশী
বাপের কিন্তু সাত বিয়ে।

দস্যু এসে অঙ্গ ছুঁলেও
নারীর বেলায় নাই ক্ষমা,
পুরুষ প্রভুর লক্ষ পাপেও
সমাজ-খাতায় নাই জমা।

তোমরা সবল, তোমরা স্বাধীন,
তোমরা মানুষ, স্থির জেনো,
নারীর ভাগে হাত দেবে যে,
তার শিরেতে বাজ হেনো।

The English translation is this:—

Awake ye bright daughters of Bengal, don't you rem

Don't you plead your cause before people whose faces a
pots.

If you want to awake do it yourself alone standing on your own legs.

Do you expect your work to be done by other people who are so selfish?

You are the slave girl of him who passes off as God.

As soon as you stop serving at his feet all his smiles disappear.

How many men are there who do not covet mastery?

If the servant equals the lord, does it not create disgust in the mind of the master?

Oh, ye bright daughters of Bengal let thy eyes dance with frowns,

Kick at the laws laid down by Raghu and Manu.

Let women gasp in pits,

Men may walk by the road.

Let the widowed daughter observe fast.

The father may marry for the seventh time?

If a "goonda" touches the body of a woman no pardon for her.

But the lordly man has no guilt, even if he commits a million crimes.

Know ye for certain you are strong, you are free, you are human beings.

He who will deprive woman of her legitimate rights.

Hurl on him your mighty thunder.

With these words, Sir, I beg to commend this resolution for the refusal as none of the fair sex canvassed me for my support.

Mr. F. E. JAMES: Sir, I did not know that I should be called upon to speak at this stage, but I merely want to say one or two things, which, I hope, will affect the general discussion in this House. In the first place I think that most of the arguments that have been advanced both in favour of the resolution and against it are entirely irrelevant to the subject under discussion. The real question is, on what rational principle do you exclude from the civic functions of the State a large section of the community. That is really the basic question and that is the question to which, I hope, members of this House will address themselves in the subsequent discussion. A large section of the community for certain reasons is classed with those who are serving His Majesty's naval and military forces, minors, and lunatics are excluded from certain privileges and those who oppose this resolution will have to justify that exclusion. I have not heard anything in the previous discussions in this House, nor have I heard anything in my discussions with members privately—either Hindu or Muhammadan—which would justify that exclusion on any principle. I realise the difficulties, particularly in regard to the Muhammadan community, and I think those of us who are outside those community

should recognise those difficulties with sympathy, but I still feel that in spite of difficulties, the general principle is absolutely unanswerable and the logic of the situation is that you cannot on any ground whatsoever, or on any just principle exclude a large section of the community from the ordinary fundamental rights which belong to every citizen in the State.

Then there is another point. It cannot but be noticeable to those who are interested in public life that both in the provincial Councils and in the Imperial Assembly there are constantly coming up matters for discussion and for legislation and for decision which intimately affect the life of the women of all communities in this country. Those of you who have taken any interest in the debates of the Imperial Assembly on the question, for instance, of the Age of Consent Bill, cannot but be impressed by the extraordinary position in which a large assemblage of men discussed a matter which does affect, and will affect, fundamentally the whole of the economic and social life of the womenhood of India. I mention this because it is a peculiarly clear case—there are other cases—in which women of India have an absolute right to participate both in the matter of discussion and legislation. I would also refer to such matters as temperance and opium. These things do affect a large section of the community which you at present place under a great disability. In the second place, I should like, as one of the elected representatives of the European community of the Presidency and Burdwan Divisions, to state that as far as the women of my community are concerned, there is no question whatsoever that they have earned the right—and earned it long ago—to participate in these matters on equal terms with men and I find no justification whatsoever for their exclusion. I have no right to speak for the Hindu or the Muhammadan communities, nor has any European or Anglo-Indian member of this House; but I do say this: that I cannot on principle ask for less for the women of the other great communities than I am prepared to ask for my own community, and I am prepared to join with those who are willing to fight for the rights of the women of their own communities. That is my general position, and I do trust, Sir, that the members of the House while indulging in humour in this debate, will, at the same time, apply themselves seriously to the principles at stake. These are serious matters—if you reject this motion, the matter is serious; if you pass it, it is also serious. The Bengal Swarajya party has put Bengal among the backward provinces (question), and I find that in the Minority Report of the Muddiman Committee, which is very largely supported by the Swarajist members, it is recommended, amongst other things, that the electoral franchise should be granted to women. I trust therefore that this great party of progress—of Hindus and Muhammadans—will follow the lead which has been given them by those, who

in season and out of season, they incline to support in all matters. I hope they will cease putting Bengal back and back and back, and counter-act their previous mistakes by voting at once for a motion which is both just and fair.

Babu AMULYA DHONE ADDY:—I beg to oppose the resolution of Dr. Moreno. I admit that if a male is entitled to vote for paying rates and taxes, certainly a female should also be entitled to vote on the same ground. But I find, Sir, certain difficulties which stand in the way of granting franchise to women, and I would draw attention to these difficulties one by one. I appeal to this House not to be influenced by the oratory of Mr. James and especially of Dr. Moreno. I admit that this franchise has been extended to women in England. But what is the reason? It is education. What is the number of educated women in Bengal? It is practically nil. There is another reason as to why the franchise should not be allowed to women. The women, especially Muhammadan and Hindu women, follow the purdah system in Bengal, and therefore it is quite unnecessary to extend the franchise to them, because if it were allowed to them I do not think that they would take advantage of it. My friend, Dr. Moreno, has referred to the Madras and Bombay Presidencies but the women of these two Presidencies do not follow the purdah system. (Dr. H. W. B. MORENO:—Question!) Well, Sir Dr. Moreno questions my statement but I know as a matter of fact that the women of these Presidencies do not follow the purdah system—in Madras and Bombay the women do not follow the purdah. Then a reference has been made to the Calcutta Municipal Act under which the franchise has been extended to women; though I was a member of the select committee on the Calcutta Municipal Bill I must admit that I am sick of the present constitution of the Corporation of Calcutta. The system of plural voting—which was in force since 1888—has been abolished and the franchise has been extended to women. And what has been the result? Corruption—Corruption! At the last municipal election in Calcutta we have had sad experience of that.

Babu DEBI PROSAD KHAITAN: May I inquire, Sir, why he was anxious to be appointed as an alderman when he was sick of the Corporation?

Mr. PRESIDENT: Let that pass, Mr. Khaitan.

Babu AMULYA DHONE ADDY: Sir, I think we have already made a serious mistake in granting franchise to the women of Calcutta and therefore I think we shall not be justified in repeating the same mistake by extending the franchise to women in connection with the election of members to the Legislative Council. Let us see for a few

years how the Calcutta municipal franchise is used and if we see that it turns out to be successful, then we may be justified in extending it to mufassal municipalities——

Dr. H. W. B. MORENO: May I ask, Sir, whether the franchise to women in Calcutta has proved a failure?

Mr. PRESIDENT: That is only a matter of opinion.

Babu AMULYA DHONE ADDY: We may make a beginning with election of local boards in the mufassal municipalities, but the proposal to grant franchise to women in the matter of returning candidates to the Legislative Council cannot be supported by me. Let us learn before we desire. Let us make an honest beginning. Sir, women cannot be trusted with the management of their own affairs, so how can they be trusted with the privilege of returning members to the Legislative Council? Therefore let us see for a short period if the election in the mufassal turns out to be successful and then and then only shall we be justified in giving them this further extension of franchise.

As regards the lady graduates I have no objection to giving them the franchise as mentioned in the amendment of Dr. Banerjea——

Mr. PRESIDENT: How can you do that when that amendment has not been moved?

Babu AMULYA DHONE ADDY: I would just mention it for his consideration.

Mr. PRESIDENT: It is now not for his consideration but for the consideration of the entire House.

Mr. J. CAMPBELL-FORRESTER: Sir, is it not the convention that when the President is on his legs the member speaking should take his seat?

Mr. PRESIDENT: Thank you, Mr. Campbell-Forrester.

Babu AMULYA DHONE ADDY: Had there been such a proposal as the grant of franchise to the lady graduates I should not have raised my voice against it, because they are educated and are expected to know what franchise is and they do not follow the purdah system. Similarly, I have no objection if the franchise is extended to European

and Anglo-Indian ladies, but as regards granting this privilege to ladies who are not literate and who follow the purdah system I am strongly opposed to it, especially in connection with the election of members to this Council.

Maulvi MD. NURUL HUQ CHAUDHURY: As a Muhammadan hailing from East Bengal I had no time to consult my constituency on this question. Still, if I were left to myself, I would oppose this resolution (Cries of "shame", "shame"). It may be shame, it may be anything. Here I have come to give my own opinion. I do not give the opinion of the members of my party and my party has allowed us to vote according as we like. If there had been a mandate from my party——.

Mr. PRESIDENT: There is no use going into the mandate of your party.

Maulvi MD. NURUL HUQ CHAUDHURY: As I am free, I am opposing it and I would give certain political reasons why I oppose this. Not that I am against giving women their vote. If there is anything I am afraid of (I am not afraid of civil disobedience which Mahatma Gandhi advocates) it is non-co-operation from within, that is, the family. Still I am willing to take the risk of non-co-operation from within. Sir, according to the Muhammadan law, if a man dies leaving a son and a daughter, both of them inherit the property left by the deceased; according to the Hindu law if there be a son and a daughter the son inherits the property and the daughter is excluded. But if there is a daughter only she inherits it. Therefore if the franchise is extended to women Muhammadans will be benefited by it more than any other community.

In my constituency there are 25,000 Muhammadan voters but during the last election only 7,000 and odd attended the polling booth. Taking the last computation that half of 25,000 would be women voters, then the voters would be about 37,000. If that be the case, how many of the 12,000 women who would get the franchise would come to the polling booths? We Muhammadans observe purdah and strict purdah at that. However educated we may be, in whatever circles we may move and whether they have been in England and have benefited by English education—at the present moment Muhammadan women living with their guardians are not allowed to go to the polling booths. I may instance the Calcutta Municipality which granted franchise to women at the last Calcutta Municipal election. Out of several thousand women voters perhaps not more than 100 women voters attended the polling booths. When out of 25,000 voters only 25 per cent. turn out

to vote for a male candidate and if the females do not come to the polling booths we would be told by our rulers that you, Indians, are unfit for self-government because you have not taken advantage of the franchise seriously. If, out of 25,000 voters only 25 per cent. attend, then the attendance in the case of 37,000 would be reduced in proportion at the polling booths. And we would still more be told that we are backward. The time is fast coming when women should be given their franchise but I should say that the present time is not an opportune one for giving them this privilege. So far as I am concerned I am opposed to extending the franchise to women.

Dr. MOHINI MOHAN DAS spoke in vernacular in support of the resolution.

Mr. P. N. GUHA: I am one of those few members of this House who generally do not speak. In fact speech-making is not my line, but I feel that I shall be failing in my duty if I do not whole-heartedly support the motion so ably moved by Dr. Moreno.

Sir, the resolution before the House is not a new one. It was discussed threadbare in this Council in September, 1921, and was defeated mostly with the help of the votes of the Mussalman members. Now that the resolution has again been brought forward it clearly indicates that there is a general desire in the province to grant the legitimate right to our women folk. I know that the Conservative section of the members will say that it is only a handful of educated ladies who are clamouring for the suffrage and the larger section behind the purdah has shown no desire for acquiring the privilege. To these gentlemen I would ask "Did the millions of people who have got franchise under the Montagu-Chelmsford Reforms ever show any desire to participate, directly or indirectly, in the administration of the country?" It is an admitted fact that the greatest portion of the voters in this country is illiterate and they know as much of the Legislative Councils and their functions as they know of the man in the moon. Yet the franchise has been given to them, and the hon'ble members are taking pride in the fact that they are here as representatives of these people. The ordinary raiyats and cultivators in our villages never demanded any franchise, but it was demanded and is being demanded still further by the educated men. Therefore there is nothing either wrong or unusual if the educated section of our women folk demand the franchise on behalf of their less educated or even uneducated sisters. Where is the justification in refusing the educated women the very right which has already been granted to the educated men? It is an accepted truth that privileges are acquired first by the educated and then they are frittered down to the uneducated masses.

Sir, I do not want to tire the patience of the House by quoting instances, either old or new, where our women folk have shown competence and equality with men when in power. Nor do I intend to remind the Muhammadan members of this House the saying of their Prophet that "heaven lies at the feet of women", and the Hindu members "Gods roam there where the women are worshipped". All that I want to remind the House is that the country does not mean only its men folk, and Swaraj cannot either be obtained or retained only by half portion of the society. The struggle for Swaraj has only begun and we must see that the generations coming may take part in this great struggle. How can we expect to make the future generations fit unless our women folk infuse in the minds of their sons a dying desire for Swaraj? Mothers and sisters shall have to prepare the child for the fight and wives shall have to stand by their husbands and husbands by their wives in the great struggle.

Sir, I have no doubt in my mind that members on the opposite side of the House will, without a single exception, support this motion. They are Congress men and the Indian National Congress has already given the women folk their legitimate share in the great national organisation. They met in this very city under the presidency of a woman--I mean Mrs. Besant--and the readers of the newspapers are aware that various Provincial Congress Committees have named Mrs. Sarojini Naidu for the presidency of this year's Congress. In our own province Mrs. C. R. Das ably presided over the meetings of the Bengal Provincial Congress at Chittagong. Therefore no Congress man, or Swarajist to be more precise, can or should vote against this motion.

Then, Sir, it is a well-known fact that the British people are not granting us Swaraj or anything near it on the plea of unfitness. Our quarrel with the people of the ruling race lies in the difference of opinion. They consider that we are not yet fit to manage our own affairs while we maintain that we are in every way fit. And are we not moving heaven and earth to prove that the rulers are wrong? Do we not think and say that unfitness is only a plea, the real fact being their unwillingness to treat us equally? If that is true, cannot our women folk repeat the same argument in demanding their franchise? Cannot they say that their unfitness is only a plea to refuse them the equal partnership? Sir, I ask the hon'ble members to consider in all seriousness if they will not prove themselves unworthy of receiving privileges from others if they refuse the same to the weaker section of their own community.

Sir, the House is aware that the sister presidencies of Bombay and Madras have already brought up their women folk to equal status. Should Bengal lag behind? Should the Province which gave birth to Ram Mohan Roy, Iswar Chandra Vidyasagar, Ananda Mohan Bose,

and Surendra Nath Banerjea insult the women folk by refusing their legitimate rights and privileges? Sir, the motto of the nation now is "Move onward"—our poet has sung সামনে চল পাছে চল for "Can we go forward leaving our mothers, sisters and daughters behind?" Can we expect to bring our struggle for Swaraj to a successful finish without the help, advice and guidance of our women folk? The obvious reply is "No" and "Never", and if that is so we must carry this motion unanimously and thereby prove that our desire for Swaraj is not a mere talk but a desire genuine and deep-rooted.

With these observations, I whole-heartedly support the motion of Dr. Moreno.

Mr. J. CAMPBELL-FORRESTER: This debate brings to my memory a very interesting fact. When that grand old man of Bengal, the late Sir Surrendra Nath Banerjea, was successful in the debate on the Calcutta Municipal Bill in giving the franchise to women, he gripped my hand in glee and said: "Now Bengal is on the road to freedom." I can also very well remember the President calling him to order because of his schoolboy glee at having gained this one measure for the municipality of Calcutta. Now, Sir, I do not see how is it that if you grant it in one sphere, you can refuse it in another. We, in England, have a saying that the three P's rule the world, namely, the Press, the petticoat and the pulpit. Well, that being so, we know that the ladies rule the world—what is the good then of not giving them the vote when they have a greater power than the vote. I obey the rules of the House and cannot therefore get inspiration from the gallery like my friend Dr. Moreno. What I want to tell my friend is that he is taking a wrong course by bringing in this resolution as it can do no good, because according to the rules which we must abide by, I may point out that in the Bengal Legislative Council Manual the following is laid down:—

Subject to the provisions of paragraph 2 of this Schedule, a person shall be qualified as an elector for an urban or rural constituency, other than a Calcutta constituency, who has a place of residence in the constituency, and who—

(1) has paid, during and in respect of the previous year or, as the case may be, during and in respect of the Bengali year preceding that in which the electoral roll for the time being under preparation is first published under these rules,—

(a) in the municipalities of Howrah or Cossipore-Chitpur, municipal taxes or fees of not less than Rs. 3, or any other municipal or cantonment area, municipal or cantonment taxes or fees of not less than Rs. 1-8, or

(b) road and public works cesses under the Cess Act, 1880, of not less than Re. 1, or

(c) chaukidari tax under the Village Chaukidari Act, 1870, or union rate under the Bengal Village Self-Government Act, 1919, of not less than Rs. 2, or

(2) was in the previous year assessed to income-tax, or

(3) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces.

Dr. Moreno has brought in many Bills successfully in this Council and I think that if he brings in a Bill for giving franchise to ladies he will be successful. I may tell the House that about 20 years ago I sat on various public boards in England and I knew that ladies were of the greatest use to these boards. As I know, Sir, that on the Board of Guardians which has to deal at times with such delicate question as the parentage of a child, ladies were found to be of the greatest use in getting at the truth so that the real guilty person was made to pay the penalty. As so much has already been said on this subject, I feel the House has already made up its mind and I do not think that anything more need be added.

Mr. K. C. RAY CHAUDHURI: As a representative of the working classes, I feel that I am bound to vote for this motion. My reasons are obvious. As we all know, in the industrial areas, in the coal fields and in the jute mill areas this question is of serious importance. I am sure if the female franchise is granted, the women of the working class will exercise their right to vote. Many a home has been ruined by drunken husbands and the wife of the worker is subjected to great humiliation.

My second point is that so far as the working class is concerned the abolition of polygamy will be done away with if women's rights are recognised. Female workers themselves will demand its abolition.

My third point is that by this way desertion of wives in mill areas will be put a stop to and there will be an end to the trouble which befalls deserted wives who have no right of maintenance. It is not merely an academic question but it is a question of practical politics.

My fourth point is that it will lead to the abolition of sweating in the industrial area where it is largely practiced. Female franchise will certainly modify that.

My fifth point is that if we have female voters, they will bring pressure on the question of maternity benefit which is now pending.

My last point is that this franchise will enforce purity and abolish immorality in the villages.

I therefore give my whole-hearted support to the measure.

Mr. NIRMAL CHANDRA CHUNDER: Sir, the arguments which I have heard advanced both here and elsewhere against the granting of the franchise to women are not worthy of consideration. They are all arguments of despair. If you examine them, you will find that you can advance each one of them against female education, against female emancipation and against anything which will conduce to the well being of women in general. What I would ask the Council to look at is that this matter should be decided not merely on a question of expediency but on the ground whether you are going to give women of this country the means

to do their duty towards their country. I believe, Sir, that nobody can perform any duty to the country, at any rate effectively perform any duty, unless and until he or she is given the means to perform it. It is undoubted that every person has a right to serve his or her country and to the country every one has a duty to serve. If that is so, if it is the duty of women to serve their country to the best purpose—are you going to tell them that you can be a member of the Congress if you like, or the Swaraj party or the National Liberal Federation or the municipality but come to the Council you must not,—come to the polling booth you shall not? I do not understand why we should limit their duties merely to the family circle. Why should not the women choose their own representatives—be they men or women—for the Council? That is why I say that before you vote, consider this; they have a right to serve their country and to enforce that right let them do what they like. It is for them to choose how they should enforce that right. But they owe a duty to the country—to serve her. Will you ask them to serve and deny them the means of serving? I would like you to answer this question before you vote.

SHAH SYED EMDADUL HAQ spoke in Bengali. The English translation of which is as follows:—

Many things have been said by the speakers on women's franchise. As the time at my disposal is short I shall briefly say something, particularly to the Moslem members. It is no exaggeration to say that the liberal attitude shown by Islam on the questions of women's advantages, rights and inheritance does not exist in any other religion. But it is not to be understood that this includes also unlimited freedom of movement, voting and all other cognate subjects.

From the physical appearance and the nature of women it may be easily supposed that the respective spheres of work of men and women are different. Women are the race of mothers, their work is to give birth to and bring up children. The rights and respect enjoyed by women are not insignificant, the history contains instances of consultations held with many women on social and political matters, by men. Women can go outside their homes after putting on *burkah*, but even then, they must cover all those portions of the body which they are enjoined to cover.

Many Moslem brethren are willing to vote for women's franchise on the grounds which have been mentioned. But every Moslem is aware that the injunction referring to the reading of the *nemaj* or the musical recitation of some portions of the scripture during the performance of *nemaj* by men, does not apply to women. They are enjoined to recite these silently. They are not, again, authorised to give the *azan* (call of prayers). It has become a custom to point out the condition of

Moslem women in Turkestan and other places in explaining what is permitted and what is disallowed in the Islamic scriptures. But the fact of the existence of a custom in some Islamic country cannot be cited as the evidence of its having sanction, unless it is approved of by the Koran Shariff, Hadis or any other authoritative scriptural work.

It is one thing to work in consultation with women; but although it is known from history that many learned and intelligent women were born among the Moslems can anybody cite any evidence that any woman ever took part in the election of the first Khalifa?

Every Moslem should bear in mind that the purdah system is strictly enjoined by the Moslem scriptures. It is nearly impossible to exercise the right of vote within the purdah system and for this reason if women come to take part in voting strictness of the purdah system of the Moslems will gradually relax. We know, otherwise, that the right of inheritance which women do not enjoy among the Hindus but they do among the Moslems, will probably give a larger number of women voters among the Moslems.

Our religious scriptures enjoin that women should follow their husbands, or that the husbands are their master. So, the exercise of the right of vote by women who are subservient to their husbands, who are compelled to a long period of inactivity through the necessity of bearing children and to them *karat, ajan and allamot* are forbidden because of the necessity of raising the voice in them, can never be approved of by Islamic religion. Can anybody prove by means of reliable documentary evidence that women have ever exercised their votes?

I am not, therefore, in favour of women's franchise although it is undeniable that the welfare of the nation and of the country depends on women's education and progress.

Liberal as Islam has been with regard to women's rights, inheritance and other subjects, it is equally strict with regard to the purdah; and who can deny that the effect of the purdah system is particularly beneficial? Many men are also aware of the respective conditions of two countries where the purdah exists and where it does not exist.

The Hon'ble Sir ABD-UR-RAHIM: I may inform the House that Government as Government has no opinion upon this question.

The motion of Dr. H. W. B. Moreno was then put and a division was claimed.

Messrs. H. S. SUHRAWARDY and A. C. BANERJEE: May we divide by going through these doors (pointing out to the doors on the west side)? The other door is too close to the ladies' gallery. (Laughter.)

THE PRESIDENT: No. Why? Are you afraid of the ladies? I hope you are men and will act like men. (Renewed laughter.)

The division was then taken with the following result :—

AYES.

Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zanneer.
Bagchi, Babu Romes Chandra.
Banerjea, Dr. Pramathanath.
Banerjee, Rai Bahadur Abinash Chandra.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Bose, Babu Bejoy Krishna.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das, Dr. Mohini Mahan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
De, Mr. K. C.
Dutt, Mr. G. S.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Guha, Mr. P. N.
Haidar, Mr. S. N.
Hossain, Maulvi Wahed.
Huq, Maulvi Ekramul.
James, Mr. F. E.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Mahi Uddin.
Liddell, Mr. H. C.
Mitra, Babu Jogendra Nath.
Mitter, Sir Provash Chunder.
Morene, Dr. H. W. B.
Mukerjea, Babu Tarakanath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmahen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Dr. Kumud Sankar.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath of Santosh.
Roy, Dr. Bidhan Chandra.
Ray, Mr. Kiran Sankar.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirenjan.
Sen, Mr. N. C.
Sen Gupta, Mr. J. M.
Suhrawardy, Dr. A.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

NOES.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Banerjee, Mr. A. C.
Barma, Rai Sahib Panchanan.
Chakraverty, Babu Sudarsan.
Chaudhuri, Rai Harendranath.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chaudhury, Maulvi Md. Nurul Huq.
Chowdhury, Maulvi Fazlal Karim.
Dey, Babu Boroda Prosad.
Dess, Rai Bahadur Pyari Lal.
Forrester, Mr. J. Campbell.
Ghuznavi Hadji Mr. A. K. Abu Ahmed Khan.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.
Hossain, Khan Bahadur Maulvi Musharruf.
Lal Mahammed, Haji.
Lindsay, Mr. J. H.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlewan, Maulvi Md. Abdul Jubbar.
Rahim, the Hon'ble Sir Abd-ur-.
Rahman, Mr. A. F.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, the Hon'ble Maharaja Kshaunish Chandra, Bahadur of Nadia.
Roy, Mr. D. N.
Roy, Raja Manilell Singh.
Sarkar, Maulvi Allah Bukhsh.
Stephenson, the Hon'ble Sir Hugh.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 54 and the Noes 38, the motion was carried.

[At this stage the Council was adjourned for 15 minutes.]

[After the adjournment.]

Retransfer of Sylhet to Bengal.

Babu AKHIL CHANDRA DATTA: I move that this Council recommends to the Government that the Government of Bengal be pleased to communicate to the Government of India that the Bengal Legislative Council are in favour of the retransfer of Sylhet to Bengal.

Sir, before going into the merits of this case I am anxious to draw the attention of the House to one or two principles which have been laid down and accepted as regards territorial distribution. Sir, the time at my disposal would not enable me to deal with the subject as exhaustively as I wish to, and, therefore, I shall be very brief. The two principles which have been well established are these: one is the linguistic or the racial basis, the underlying idea being that the administrative units should be homogenous. In other words there should be one language for one province and the idea is that all the Bengali-speaking people should be brought under one Government. That was the principle laid down in the memorable despatch of Lord Hardinge of August, 1911. That was also the principle accepted in the Montford Report. Then, Sir, there is one other principle in this connection, which has also been authoritatively laid down, and that is, what I may call, principle of self-determination. We have it in the Montagu-Chelmsford Report that this territorial distribution or readjustment should not be imposed by the Government upon the people. This is a matter in which the people should choose for themselves. It has been described as a process of consent—consent of two parties. For instance, in the case of Sylhet the consent of the province *from* which it is sought to be transferred, as well as the consent of the province *to* which it is sought to be transferred should be taken. These are the two principles, and if we are to test the case of Sylhet by these two principles, we find that there is an overwhelmingly strong case in favour of the retransfer of Sylhet to Bengal. I am anxious to invite the attention of the House to the fact that it is not a case of transfer really speaking of Sylhet—it is a case of retransfer. Sylhet, as is well known, was an integral part of Bengal till the year 1874. It was in that year that Sylhet was separated from Bengal against her wish and for no benefit of Sylhet herself. Now, if we are to judge by this standard as to whether the linguistic test is a sufficient argument in favour of the transfer, I do not think, Sir, I can put the case better than it is put here in a book which has been published on the subject of the re-union of Sylhet and Cachar with Bengal:—

Sylhet contains full one-sixteenth of the total Bengalee population. Its affinities, religious, social and linguistic, with the Bengalee-speaking population of Bengal are of the closest kind. Its ancient history and culture have, from time immemorial, been organically bound up with those of Bengal. "It was the ancestral home of the great founder of Vaishnaviam, Sri Chaitanya Mahaprabhu, and one of his most illustrious disciples, Srimat Adwait Acharyya. The founder of what is known as the "Navya Nyaya" the great Raghunath Siromoni was a native of Sylhet. It

was a native of Sylhet, Pandit Gouri Sankar Bhattacharyya, whose name is associated with the first Bengalee newspaper, conducted by one of our own countrymen. In the 16th and 17th centuries, Sylhet made valuable contributions to the literature and religious thought of Bengal and this connection has been maintained even up to the present day.

The vast majority (viz., 92p.c.) of the people of Sylhet, both Hindu and Muhammadan, speak the Bengalee language. Barring the small imported labour in tea-plantations, nearly cent per cent of the indigenous population speak the Bengalee language, belong ethnologically to the Bengalee race, have the same manners and customs, traditions and thoughts with their brethren in Bengal and are indissolubly bound up with them, by the ties of blood and social relationship.

On the other hand, Sylhet has absolutely no affinity, whatsoever, linguistic or social, with Assam, from which it is separated by an insurmountable barrier of over 200 miles of mountain-ranges. Whereas the city of Calcutta is within 24 hours' journey from the district of Sylhet one has to travel for over 44 hours to reach Shillong, the capital of Assam, from Sylhet. Neither the inhabitants of Sylhet nor those of Assam have shewn any disposition to merge their racial exclusiveness and to enter into matrimonial alliances with each other, and custom, which has the strength of religion, absolutely bars the formation of such associations. Nearly fifty years' administrative connection with the Assamese have produced no appreciable change in the social sentiments of the people of either races and the gulf of racial differences remains as wide as ever. This fact tends irresistibly to the conclusion that those who are different socially, linguistically, and ethnologically, cannot be welded into one people by any artificial means.

The Government of India in their Despatch of 5th June, 1919, also give expression to the same views—"The problem is also complicated by the cleavage geographical as well as religious, social and political between the two valleys which comprise the more advanced portion of the province. The Assam Valley is mainly Hindu and animistic. In the Surma Valley, Muslims are in a majority. One experienced officer has indeed gone the length of advising that so different are the conditions and interests of the two Valleys that their separate administration appear necessary, if a real advance towards responsible Government is to be made".

So far as the linguistic test is concerned, that is satisfied.

Now, as regards the question as to whether the people want it or not, the history is a long one, but I shall only give a brief outline of it. In order to give a correct idea of the situation I want to tell the House that Sylhet having a total of 1/16th of the Bengalee population, it can justly be said that if mother Bengal is said to have 16 sons, then Sylhet is one son. There are 15 sons in Bengal and one in Sylhet, and this one brother was separated in 1874 against his wish. Even at this remote time, there was a great agitation over that compulsory separation, and in the language of Kristo Das Pal, Sylhet was the golden calf sacrificed to the new idol at Assam, and the Sylhet people felt much aggrieved by this transfer, as the people of Alsace Lorraine felt by their transfer to Germany. However, Sir, there was great agitation, and although time is the healer of all wounds, and although it is precisely 50 years now that that separation took place between one brother on one side and 15 brothers on the other side, yet time has not been able to heal up that wound, as will be evidenced from the agitation that has been

carried on in Sylhet ever since 1874 for its re-union with Bengal. Whenever there was an opportunity, they renewed their agitation. For instance, at the time of the great partition in 1905, there was a great agitation and although the bigger settled fact was unsettled, and although agitation was carried on through all conceivable channels—public meetings, memorials to the Governor General, special meeting of the Moslem leaders of the two parts of Bengal and resolutions of the Indian National Congress and so on—and although all these steps were taken, all the eastern districts were retransferred to Bengal only with the exception of Sylhet. I wonder, Sir, if Sylhet is looked upon as the step-son of mother Bengal.

They did not succeed on that occasion. The next opportunity was afforded by the announcement of the Reforms in August, 1917. The people of Sylhet did not lose a moment's time. Within a month or two—I think it was in December, 1917, a deputation waited upon His Excellency the Governor-General and the Secretary of State for India. Although no relief was given at the time, a principle was enunciated that there would be redistribution of territories after the inauguration of the Reforms. Therefore they waited for some time and after the formation of reformed Councils they renewed their agitation. For instance, in Septembr, 1921, Mr. Nag, the Sylhet member, moved this matter in the Assembly and the Hon'ble the Home Member replied that the popular wish must be expressed in the Assam Council, but he did not like to take any note of all that were appearing in the press or happening on the platforms. He suggested that the popular wish should be expressed through the local Council. Accordingly in the Assam Council a resolution was moved asking the Government to retransfer Sylhet to Bengal. That resolution was opposed by Government on this particular ground amongst others that the views of the people of Bengal were not known to them. The matter was brought up again in the Legislative Assembly in January last and it was again declared by Government that the opinion of the people of Bengal must be ascertained. It is for this reason that we are moving this resolution to ascertain what the opinion and view of the people of Bengal on this question of the transfer of Sylhet to Bengal are. The people of Bengal have expressed their own opinion in the most unequivocal language on more than one occasion and in so many different ways. For instance, we had resolutions passed by the Indian National Congress urging the transfer; the Bengal Provincial Conference also passed a similar resolution; the same transfer was urged in the press and the platform. So far as the district of Sylhet is concerned I am sure the members know that it falls within the Congress territorial jurisdiction of Bengal. Sylhet is also in the same Provincial Conference jurisdiction as the rest of Bengal, so it is perfectly clear that the opinion of Bengal is really unmistakably in favour of the transfer. "Back to Bengal" had been the cry of the Sylhet people for the last 50 years and that is a desire, a desire for the

re-union of one brother with the other 15 brothers and that is a desire with which the people of Bengal cannot but have sympathy.

Just one word more and I have done. There is no question of any communal consideration in this matter. The Muhammadans of Sylhet have expressed their desire to come back to Bengal on several occasions and in several ways. I have no time to go into the whole history of this question. With these few words I commend my resolution to the acceptance of the House.

SHAH SYED EMDADUL HAQ moved the following amendment to the resolution of Babu Akhil Chandra Datta:—

"That after the word 'Sylhet' the words 'and Cachar' be added."

He spoke in Bengali: The English translation of which is as follows:—

Sylhet is an integral part of Bengal. During Moslem rule Sylhet formed an important division or administrative unit of Bengal. Under British rule also, Sylhet was at first included in Dacca Division. After Cachar was annexed to British territory, Sylhet along with it had always been up till 1874 included in Dacca Division. In the Assam Council a resolution for amalgamating the districts of Sylhet and Cachar with Bengal, has been passed. Sixty-six per cent. of the population of Cachar is Bengali-speaking. If Sylhet is re-amalgamated with Bengal, there is no reasonable ground to leave out Cachar. As the time at my disposal is short I am unable to speak at length on my amendment which has many grounds to urge in its favour. Pressed thus by the want of time I move this amendment for the addition of the word "Cachar" after Sylhet. I hope there will be none to take exception to it.

The Hon'ble Sir HUGH STEPHENSON: I wish to explain what the position of Government is as regards this resolution. As a matter abstract sentiment we can have nothing but sympathy for it, but we have to deal with these things in a practical way and we do not feel that we have at the present moment sufficient information before us to enable us to make up our minds either way. We have an open mind on the subject. If we come to a vote on this resolution the Government will take no part in it.

As the mover has pointed out one of the principal matters for consideration is the wishes of the people concerned. The mover has told us that the wishes of the people are unanimous. Well, Sir, we are not in a position to come to any decision on the point but the Assam Government are not of the opinion that the wishes are unanimous; that is a matter we cannot test here and on which we desire to have further information. Then, Sir, the appetite grows by eating. This family of 16 sons, I am afraid, will have a tendency to become at least 20 before we finish with it. Shah Syed Emdadul Haq

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has already added one to the family by his amendment asking for the inclusion of Cachar. In the debate in the Assam Council Goalpara and Cachar were mentioned as being equally concerned and as having an equal claim to come over to Bengal, and if Goalpara, Cachar and Sylhet come over to Bengal, Lushai Hills will be practically entirely surrounded by Bengal, and cannot be left alone as an outpost of Assam. If we bring these four districts to Bengal, the loss will naturally be a serious thing to Assam and we should have to consider matters from their point of view also. Then the mover, if my recollection serves me right, has on previous occasions sent in motions for the transfer of Manbhum to Bengal, and there have been motions sent in, all of which I understand were disallowed, for the transfer of Monghyr, Manbhum, Singhbhum and Bhagalpur. So that it is quite clear we cannot deal with it merely as a question of the transfer of an isolated small tract of country; we must have in mind that it may lead to serious territorial redistribution. The mover has said that one of the under-lying principles is the unification of the Bengali-speaking people in one province. We have to see that in carrying out this principle we do not come into conflict with another principle he has quoted, namely, the necessity for compactness in the administrative areas.

Then, Sir, another point which we as guardians of the interest of Bengal have to consider is the financial one. Sylhet, I understand from the debates in the Assam Council, is run at a loss of Rs. 1 lakh every year not counting any overhead charges. If we are going to add other districts to the number we have to consider what loss this will entail. We have to put before the people of Bengal before they make up their minds on the subject only on the sentimental side what this exactly does mean to Bengal. Even the transfer of Sylhet will apparently mean a financial loss which we in Bengal shall have to make up; it also means an increase of expenditure because we shall have to devote (as the mover has said if we take Sylhet we cannot treat it as a step-son) an equal share of our balances to Sylhet. I am not putting forward these arguments in the way of any opposition to the motion. All I want to point out is that these are the reasons why Government are not at the present moment prepared to take a definite view on the retransfer question on either side; we have not got sufficient information. But this debate will be forwarded to the Government of India for their information and for such guidance as they think proper to derive from it.

Babu AKHIL CHANDRA DATTA: May I only draw the attention of Government to certain passages at paragraph 246 of the Montagu-Chelmsford Report. There is said—

> We are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments to test provincial opinion upon schemes directed to this end.

Therefore this is something which should have been done long ago. Our only request is that there should not be any further time lost on this matter.

The Hon'ble Sir HUGH STEPHENSON: May I explain? I gather that the mover wishes us to ascertain the opinion of Sylhet at once.

Babu AKHIL CHANDRA DATTA: So far as Bengal is concerned it is necessary to know the views of Bengal.

The Hon'ble Sir HUGH STEPHENSON: As I explained we think it our duty to put the entire case before the people of Bengal before we take their views.

SHAH SYED EMDADUL HAQ's amendment to the resolution of Babu Akhil Chandra Datta was then put and a division taken with the following result:—

AYES.

Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.

NOES.

Banerjea, Dr. Pramathanath.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chaudhuri, Rai Harendranath.
Moreno, Dr. H. W. B.
Mukerjea, Babu Taraknath.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Roy, Dr. Bidhan Chandra.
Sarker, Babu Naliniranjan.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 2 and the Noes 11 the amendment was lost.

The motion of Babu Akhil Chandra Datta was then put and agreed to.

Mr. J. CAMPBELL FORRESTER: Mr. President, I trust you will allow me to make a personal explanation. When the question of women's suffrage was discussed in this Council I spoke on behalf of it, but I am afraid my name will be found as voting against the resolution. The explanation is that when the division bell rang I was in the "No" lobby. I at the time was smoking a cigarette, I placed this lighted cigarette on the wooden pillar at the door as I entered the Chamber to take part in the division. When the House divided I immediately returned to see that no damage had been done by the cigarette. I did not pass the teller's table, but I was informed that immediately I crossed the "No" lobby door my vote must be recorded in that lobby. Of course I bow to that decision, but I fear few members of the House are aware of this rule. I trust that this explanation will make clear what must seem an anomaly. In this House I have always spoken and voted in favour of the franchise for women.

Mr. PRESIDENT: Your explanation will be recorded in the proceedings of this Council. I may add that the teller had no option and rightly recorded your vote.

Adjournment.

The Council was adjourned till 3 P.M., on Thursday, the 20th August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 20th August, 1925, at 3 P.M.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council, and 111 nominated and elected members.

Starred Questions

(to which oral answers were given).

Supply of drinking water in rural areas.

*LV. **Babu MANMATHA NATH ROY:** (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that there is a wide-spread demand for the supply of pure drinking water throughout the Presidency of Bengal?

(*b*) What steps, if any, have the Government taken for the supply of pure drinking water?

(*c*) What further steps are the Government taking in the matter?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) Yes.

(*b*) and (*c*) The provision of an adequate supply of pure drinking water in rural areas is primarily the concern of the local bodies concerned. In 1924-25 an acute scarcity of water was reported from several districts, specially in the Presidency and Burdwan Divisions, and Government placed allotments of Rs. 20,000 and Rs. 30,000, respectively, at the disposal of the Commissioners of the Presidency and Burdwan Divisions and directed that the grants should be distributed at their discretion in aid of local efforts to remove water scarcity. The grant was made in each case only as a stimulus to local effort, namely, to those localities which were prepared in return to make an effective

contribution of either money or labour towards the local need. Government also directed that district boards should spend during the year, the major portion, if not the whole, of the augmentation grant on rural water-supply.

In the current year's budget 2½ lakhs have been provided to assist local authorities to improve the rural water-supply. The grant has been distributed in the following manner:—

		Rs.
Presidency Division	...	75,000
Burdwan Division	...	75,000
Rajshahi Division	...	50,000
Dacca Division	...	30,000
Chittagong Division	...	20,000

A copy of Government circular Nos. 105-109 T.—P.H., dated the 11th May, 1925, which explains the attitude of Government in this matter and lays down the principles to be observed by the Divisional Commissioners in allocating grants to individual districts and schemes, is laid on the table.

Circular referred to in the reply to clauses (b) and (c) of starred question No. LV.

PUBLIC HEALTH.

Nos. 105-109 T.—P.H., dated Darjeeling, the 11th May, 1925.

From—S. W. GOODE, ESQ., I.C.S., Secretary to the Government of Bengal, Local Self-Government Department,

To—All Commissioners of Divisions.

I am directed to refer to my circular letter Nos. 1524-28 P.H., dated the 15th July, 1924, on the subject of the improvement of water-supply in rural areas. Government have carefully examined the whole question in the light of the replies to that circular and have come to the conclusion that while the problem can only be solved by local bodies, it is legitimate and desirable that Government should assist localities in supplying their needs. A provision of Rs. 2½ lakhs has accordingly been made in the budget for the current year to enable grants to be given in aid of definite schemes for the improvement of rural water-supply, and, if satisfactory results can be achieved in this way, it is hoped that it will be possible to repeat the grant in the four succeeding years if the financial position permits.

2. The grant for the year 1925-26 has been distributed as follows:—

		Rs.
Presidency Division	...	75,000
Burdwan Division	...	75,000
Rajshahi Division	...	50,000
Dacca Division	...	30,000
Chittagong Division	...	20,000

Orders are being issued placing the allotment for your Division at your disposal, and I am now to convey the instructions of Government as to the principles to be observed by you in allocating it to individual districts and to individual schemes.

3. In the first place, I am to say that in allocating the grants the guiding principle should be to secure that the money will be spent usefully in localities where the need for improved water-supply is really urgent, and subject to the observance of this condition Government propose to leave you a fairly free hand in the matter. It is most desirable to avoid the mistakes which were made in connection with the distribution of previous grants of this character, when insistence on rigid conditions produced a mass of correspondence and paper programmes, but very little addition to the water-supply of the province. While it is, of course, most desirable that district boards should be consulted in regard to the distribution of the grants, they should, as already stated, be allocated to definite schemes and not in the form of lump grants to the boards. It will be for the district officer, in consultation with the board and with his subdivisional officers and circle officers, to select the most urgent schemes and to recommend them to you in order of urgency as suitable for a grant. Experience shows that, on the whole, union boards are the best agency for carrying out small local schemes for the improvement of rural water-supply, and Government desire that the bulk of the grants should be distributed to union boards in the districts where they exist. On the other hand, areas in which no union boards exist should not be absolutely debarred from the benefits of a grant, and in such areas there is no objection to a grant being given to any suitable local agency, such as a co-operative society, an anti-malarial society, or even a group of private individuals, provided that you and the district officer are satisfied that the need for improved water-supply is really urgent and that the agency selected can be relied upon to spend the grant to advantage.

4. As a general rule, it may be laid down that the actual need of a particular village for improved water-supply will be shown by its willingness to contribute part of the cost, and ordinarily the union board or other local agency applying for a grant should be required

to contribute at least one-third of the total cost of the work. On the other hand, rigid insistence on this condition might result in nothing being done in the poorest and most necessitous areas, and you are therefore authorized to waive it in individual cases if you think this course advisable. As between union boards with equal needs, preference should be given to those boards which have already imposed taxation under section 37(*b*) of the Village Self-Government Act or are prepared to do so.

5. Every endeavour should be made to secure the financial co-operation of the district board in the schemes subsidised by Government and care must of course be taken to prevent overlapping. It is obviously desirable that Government, the district board and the local authorities should co-operate in the early execution of particular schemes rather than dissipate their energies over a large number of different schemes. It is hoped, therefore, that district boards will be willing to contribute a generous share of the funds they have available for water-supply to the schemes selected for grants on the present occasion.

6. As to the objects on which the grants should be spent, it is clear that local conditions vary enormously. In some areas money will be more profitably spent on re-excavating old tanks than on digging new ones. In other areas wells are of more importance than tanks, and in some places it would probably be worth while to experiment with tube-wells. Government accordingly propose to leave you a free hand in the selection of the schemes to which grants should be allocated, subject only to the condition that the expenditure of the grant is likely to lead to a genuine improvement in the local water-supply.

7. As to the actual disbursement of the grants, you may give district officers such instructions as you think necessary. Where a local contribution is required, it should ordinarily be spent before any part of the Government grant is disbursed, and a portion of the grant should be kept in hand till the work is certified to have been satisfactorily completed. It is not necessary to insist on elaborate measurements being made by the authority granting the certificate. The grant may be disbursed from time to time by the district officer subject to your control, if he is satisfied on the certificate of a responsible officer, either of the district staff or of the district board engineering staff, that the work has made sufficient progress or has been satisfactorily completed.

8. It is desirable that the allocation of grants should be made as soon as possible in order that work on the schemes selected for grants may be started as soon as the working season begins. You should therefore call upon district officers to consider at once, in consultation with district boards, what schemes should be recommended for grants during the current year. It would probably save time and correspondence, if, before making recommendations, district officers convened an

informal conference, or formed a local committee, consisting of the Chairman and some or all of the members of the district board, the sub-divisional and circle officers and any others likely to be able to give useful advice. It is believed that in most districts, programmes of a sort already exist, and the most urgent schemes are probably well known to the local authorities, so it should not be difficult to secure a considerable measure of local unanimity in regard to the schemes to be put at the head of the list.

9. It should be understood that these instructions apply only to the distribution of the current year's grant, and that Government reserve the right to modify or supplement them in their application to the distribution of grants in future years. It is, however, hoped that with the cordial co-operation of all concerned, they will produce, within the next twelve months, a substantial improvement in the water-supply of the areas to which the grants are allocated. I am to ask that a report may be submitted to Government by the 1st December on the progress made in the allocation of the grants and on any difficulties that may have arisen. Suggestions may then also be made for any alteration of these instructions that you consider desirable.

Assistant Sub-Inspectors of Calcutta Police.

***LVI. Mr. M. DAUD:** (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state the scale of pay received by the Assistant Sub-Inspectors attached to the Calcutta Police Force?

(*b*) Will the Hon'ble the Member be pleased to state whether any quarters or allowances in lieu thereof are given to them?

(*c*) Is it a fact that a representation was made to the Commissioner of Police in 1923 by the Assistant Sub-Inspectors for the increment of their salaries, and to provide them with winter uniforms free of charge?

(*d*) If so, what action has been or is being taken to remove their grievances?

(*e*) Is it a fact that Assistant Sub-Inspectors, when promoted to the grade of Sub-Inspectors, are invariably posted in the North District of Calcutta under the Deputy Commissioner of Police, North District?

(*f*) How many of them have been reverted and on what grounds?

(*g*) Is it a fact that Head Constables and constables of the Calcutta Police Force get railway warrants (free passes) when they proceed to their homes on privilege leave?

(*h*) Is it a fact that no such pass is given to the Assistant Sub-Inspectors when they proceed to their homes on privilege leave?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of granting railway warrants to Assistant Sub-Inspectors proceeding on privilege leave to their homes?

(*j*) Is it a fact that European and Anglo-Indian Sergeants without any thana experience are placed in charge of out-posts in preference to Assistant Sub-Inspectors?

(*k*) If the answer to (*j*) is in the affirmative, are the Government considering the desirability of placing the Assistant Sub-Inspectors in charge of the out-posts?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (*a*) Rupees 30, rising by annual increments of Re. 1 to Rs. 40, and thereafter by annual increments of Rs. 2 to Rs. 50.

(*b*) They are entitled to quarters, but ordinarily allowances in lieu of quarters are not given.

(*c*) In 1923, the Commissioner of Police received petitions from certain Assistant Sub-Inspectors asking for warm clothing, but no petition for an increase in their salaries can be traced.

(*d*) The application for warm clothing was rejected.

(*e*) No.

(*f*) As no period is specified in the question no answer is given.

(*g*) Head Constables and constables of the Calcutta Police get railway passes when proceeding home on leave once in four years under certain restrictions.

(*h*) No passes are granted to Assistant Sub-Inspectors when they proceed home on leave.

(*i*) No.

(*j*) This is not a fact. The duties of European and Anglo-Indian Sergeants and of Assistant Sub-Inspectors fall into two entirely different categories.

(*k*) This does not arise.

Mr. M. DAUD: Is it not a fact that European and Anglo-Indian Sergeants who are placed in charge of outposts are only to deal with petty cases and that duty may also be performed by Assistant Sub-Inspectors? In these circumstances do Government propose to place these outposts in charge of Assistant Sub-Inspectors?

The Hon'ble Sir HUGH STEPHENSON: I want notice of this question.

Dr. H. W. B. MORENO: May I ask the Hon'ble the Member whether it is not a fact that the European and Anglo-Indian Sergeants in charge of these outposts are as efficient as Inspectors of any other communities?

The Hon'ble Sir HUGH STEPHENSON: I do not see how the question arises.

Steamer service between Lalgola Ghat and Malda.

***LVII. Babu ROMES CHANDRA BACCHI:** (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether it is a fact that there is a daily steamer service between Lalgola Ghat and Malda maintained by the Joint Steamer Company?

(*b*) Is it a fact that before the opening of the Katihar-Godagari line the said steamer service was the only means of communication with Malda and that it is so, even now, with the Nawabganj town, and many other important villages of the same district which are not touched by the said line of railway?

(*c*) Is it a fact that from the last April the Steamer Company has discontinued the daily service and that only one steamer runs on each alternate day causing inconvenience to the public?

(*d*) Is the Hon'ble the Member aware that although the attention of the Company was drawn to this matter by Mr. J. Peddie, the District Magistrate of Malda, no regular service has yet been resumed by the Company?

(*e*) Will the Hon'ble the Member be pleased to state whether these Steamer Companies are, as a general rule, bound to keep up a regular service for the convenience of the passengers, or is it open to them to discontinue services when it suits their own interests?

(*f*) Are the Government considering the desirability of drawing the attention of the Company so that a regular daily service between Lalgola Ghat and Malda may be maintained?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. T. Emerson): (*a*), (*c*) and (*d*) Government are informed that the dislocation in the daily steamer service between Lalgola and Malda is due to a temporary shortage of suitable steamers; but that it is hoped to resume the daily service shortly provided the traffic between Lalgola and Malda warrants it.

(*b*) Yes.

(*e*) Government compel the Steamer Companies to run any particular service.

(*f*) No.

Posting of a Sub-Assistant Surgeon in charge of Arambagh Dispensary.

***LVIII. Babu TARAK NATH MUKERJEA:** (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government (Public Health) be pleased to state why the Assistant Surgeon from the Arambagh Dispensary (in the district of Hooghly) has been replaced by a Sub-Assistant Surgeon?

(*b*) Is the Hon'ble the Member aware that the subdivisional town of Arambagh is notorious for malaria and other diseases?

(*c*) Is it a fact that a strong protest was made by the people of Arambagh—both offical and non-official—in this matter?

(*d*) Is there any subdivisional town in Bengal where the hospital is in charge of a Sub-Assistant Surgeon?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble the Member be pleased to state the number of such subdivisional towns?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) In pursuance of the recommendations of the Bengal Retrenchment Committee regarding the substitution of Sub-Assistant Surgeons for Assistant Surgeons in certain posts hitherto reserved for the latter, Government decided after careful consideration to appoint a Sub-Assistant Surgeon at Arambagh in place of the Assistant Surgeon, as such appointment in their opinion was not likely to cause any serious loss of efficiency.

(*b*) Yes.

(*c*) A memorial was received from certain rate-payers of Arambagh.

(*d*) and (*e*) Yes—there are 44 subdivisional towns including certain sadar subdivisions where the hospital is in charge of a Sub-Assistant Surgeon.

District Magistrate of Jessore holding Courts in his private chamber.

***LIX. Maulvi ABDUL QUADER:** (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that the present District Magistrate of Jessore holds his Court and hears cases and appeals in his private chamber where the litigants and the public are not allowed and the legal practitioners are only admitted on presentation of cards?

(*b*) Is the Hon'ble the Member aware that this state of things causes inconvenience to the parties, the public and the pleaders and is in contravention of the law and circulars issued by the Government?

(*c*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking immediate steps for the removal of the grievance of the public?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) Yes; appeals are heard and appeal petitions are received in chamber and the litigants and the public are not allowed in it. It is not a fact that legal practitioners are only admitted on presentation of cards.

(*b*) Yes.

(*c*) The attention of the Magistrate is being drawn to the rules and orders on the subject.

Maulvi MD. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member be pleased to state whether the District Magistrate's Court is separate from his chamber?

The Hon'ble Sir ABD-UR-RAHIM: I understand the Court is separate—next door to the chamber.

Maulvi MD. NURUL HUQ CHAUDHURY: Will the Hon'ble the Member be pleased to state whether any action has been taken against the Magistrate for holding his Court in his private chamber?

The Hon'ble Sir ABD-UR-RAHIM: Action has already been taken.

Mr. S. N. HALDAR: Will the Hon'ble the Member be pleased to state whether Government approve of the conduct of Magistrate's hearing appeals in their chambers and excluding the public from them?

The Hon'ble Sir ABD-UR-RAHIM: No; Government does not approve, and the attention of Magistrates has been drawn to the rules. It is in violation of the rules.

Mr. KIRAN SANKAR ROY: May I ask what action Government propose to take for the past inconvenience of the litigant public and the legal practitioners?

The Hon'ble Sir ABD-UR-RAHIM: Nothing.

Unstarred Questions

(answers to which were laid on the table).

Excise policy.

115. Dr. MOHINI MOHAN DAS: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculture and Industries be pleased to state whether it is a fact that the Government of Bengal

has fixed the excise policy as "minimum of consumption with maximum of revenue"?

(*b*) Is it a fact that in recent years the consumption of liquor and *ganja* has increased?

(*c*) If so, what steps are the Government taking to reduce this increase?

(*d*) If no steps are being taken, will the Hon'ble the Member be pleased to state the reasons therefor?

(*e*) Are the Government considering the desirability of introducing a system of rationing in the excise shops in Bengal, as in Bombay?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble the Member be pleased to state the reasons therefor?

(*g*) Is it a fact that the labourers consume liquor and *ganja* and thus spend large sums in the districts?

(*h*) If the answer to (*g*) is in the affirmative, are the Government proposing to withdraw the liquor shops from labour areas?

(*i*) If not, will the Hon'ble the Member be pleased to state the reasons?

MEMBER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble Mr. T. Emerson): (*a*) The excise policy of Government is explained in the resolution of the Government of Bengal No. 1322 S.R., dated the 4th August, 1914, and the press *communiqué* dated the 25th August, 1921, copies of which are placed on the table. "Minimum of consumption with maximum of revenue" does not completely state the policy therein enunciated.

(*b*) A statement showing the annual consumption of country spirit and *ganja* since 1912-13 is placed on the table. During the period of five years from 1912-13 to 1916-17 there was a steady and heavy fall in the consumption of country spirit. In the post-war period from 1917-18 to 1920-21, there was a rise, but this has been followed by a marked fall. There was a slight increase in 1923-24, but the consumption fell to 609,653 L.P. gallons in 1924-25.

The fall in the consumption of *ganja* has been steady, excepting the slight increase in the past two years.

(*c*) The increase in the consumption of *ganja* is being watched by the Excise Department, and if the increase shows signs of permanence, steps will be taken to check it.

(*d*) The question does not arise.

(*e*) No.

(*f*) Government are not convinced that the adoption of a policy of rationing is likely to be attended with satisfactory results; but any experiments made elsewhere will be carefully watched.

(*g*) Generally speaking, the labouring classes spend more than the agricultural classes on intoxicants and drugs.

(*h*) No.

(*i*) The member is referred to the general policy of Government in this matter as explained in answer to (*a*).

Resolution No. 1322 S.R., dated Calcutta, the 4th August, 1914, by the Government of Bengal, Financial Department, referred to in the reply to clause (a) of unstarred question No. 115.

READ—Resolution by the Government of India, Department of Commerce and Industry, No. 6305-6323-221, dated the 25th July, 1914.

The excise policy of Government in India has been so often attacked and defended that there should be no room for doubt as to the essential principles that underlie that policy. The recent Temperance Deputation to the Secretary of State in London and the similar deputation to His Excellency the Viceroy in Calcutta, however, afford a useful opportunity for reviewing the declarations of excise policy made by Government from time to time and of showing that, while divergent circumstances in different parts of the country may make it necessary to attain to the desired end by different excise methods, there has never been any hesitation as to the end that is desired or the principles that must underlie every excise measure.

2. The first pronouncement on the subject was made more than a quarter of a century ago by the Secretary of State in connection with a debate in the House of Commons. The principles which were then held to be the basis of correct excise policy in India were—

(*i*) that any extension of the habit of drinking should be discouraged;

(*ii*) that taxation should be as high as possible, without encouraging illicit manufacture or vend;

(*iii*) that subject to these considerations, a maximum revenue should be raised from a minimum consumption of intoxicating liquors.

3. The Government of India made an exhaustive examination of the charges then made against the Indian excise administration, and in their despatch to the Secretary of State showed that the principles

by which the Revenue Officers were in fact guided in excise matters were—

(*i*) that the taxation of spirituous and intoxicating liquors and drugs should be high and in some cases as high as it is possible to enforce;

(*ii*) that the traffic in liquor and drugs should be conducted under suitable regulations for police purposes;

(*iii*) that the number of places for the sale of liquor and drugs should be strictly limited, with regard to the circumstances of the locality;

(*iv*) that efforts should be made to ascertain the existence of local public sentiment and that a reasonable amount of deference should be paid to such opinion, when ascertained.

It was at the same time definitely stated that in the opinion of the Government of India the total prohibition of the consumption of stimulants in India, even if desirable, was impracticable.

4. These principles were reaffirmed in 1904 in a letter from the Government of India to the local Government, when the Government of India added that they were fully alive to the evil consequences of drinking in excess, and that the raising of revenue had never been set forth as a primary object of excise administration. They again desired that it should be impressed upon all officers who administered the excise laws, that the growth of excise revenue was to be regarded as satisfactory only when it resulted from the substitution of licit for illicit manufacture and sale, and not from a general increase of consumption.

5. In the following year, in appointing the Indian Excise Committee, the Government of India again emphasised their policy. The resolution disclosed that the Government of India have no desire to interfere with the habits of those who use alcohol in moderation; this is regarded as outside the duty of Government, and it is necessary to make due provision for the needs of such persons. The settled policy of Government is to minimise temptation to those who do not drink and to discourage excess amongst those who do; and to the furtherance of this policy all considerations of revenue must be absolutely subordinated. The most effective method of furthering this policy is to make the tax upon liquor as high as it is possible to raise it without stimulating illicit production to a degree which would increase instead of diminishing the total consumption, and without driving people to substitute drugs for alcohol or a more for a less harmful form of liquor. Subject to the same considerations, the number of liquor

shops should be restricted as far as possible, and their location should be periodically subject to strict examination, with a view to minimise the temptation to drink and to conform as far as is reasonable to public opinion. It is also important to secure that the liquor which is offered for sale is of good quality and not necessarily injurious to health.

6. In a recent resolution the Government of India have indicated the general measures which should be adopted to carry out this policy as follows:—

(*i*) Every effort should be made to suppress illicit methods of all kinds.

(*ii*) In order to effect this, the excise staff should be utilized in directions calculated to maintain the closest supervision over the liquor and drug traffic.

(*iii*) So far as is possible, without unduly encouraging illicit methods, consumption should be discouraged

(*a*) by the levy of as high a rate of duty as is possible, taking into account the special conditions of the locality;

(*b*) by reducing, as far as possible and with due regard to legitimate requirements, the number of retail shops for the sale of liquor and drugs;

(*c*) by regulating and closely supervising the hours of sale, the selection of sites and the general practices adopted in manufacture and vend.

(*iv*) Advisory committees should be appointed, where possible, and effect should be given to their recommendations in so far as they are consistent with the general principles laid down.

7. The principles thus consistently laid down have been fully accepted by the Government of Bengal, and His Excellency in Council desires that the necessity of carrying them out may be impressed upon all officers engaged in excise administration.

Press Communiqué, dated Calcutta, the 25th August, 1921, referred to in the reply to clause (a) of unstarred question No. 115.

Since misunderstandings as to the policy of Government towards the sale of alcohol appear to be prevalent in some quarters, it seems

desirable to make more widely known what that policy is. It is directed towards securing a minimum of consumption with a maximum of revenue. This, in other words means nothing but a high taxation of intoxicating articles with a view to make them as dear as possible for the individual consumer, and thereby to keep their consumption at a minimum. It need hardly be said that this policy had its origin in the Government's desire not to interfere with the personal liberty of individuals as to what they should eat or drink. It is a controversial question whether the State has a right to force total prohibition upon the public and, so long as this cannot be done and so long as the Excise traffic is to continue, the best thing a Government can do is to take measures to control the consumption of intoxicants as far as possible.

The Government in the Ministry of Agriculture and Industry will, therefore, continue this policy and see that no increase in consumption of intoxicating articles is permitted or sought merely for the sake of revenue. They desire to make it clear that henceforth the trade in intoxicating drinks and drugs will be very strictly controlled, unlike other trades. Government interference in ordinary trades may not be desirable, but for obvious reasons interference and control are very necessary in a trade of this kind.

Alcohol and drugs like opium and *ganja* are generally used for purposes of intoxication, and are known as mere intoxicants, but there are various highly useful purposes to which they can be applied, and on which the Government cannot lay too much stress. The value of alcohol as a highly useful industrial article is yet practically unknown in this country, except only to a few individuals. Cheap alcohol is a great boon for various industrial purposes. Again, the possibilities of raw and waste materials in the manufacture of alcohol are great. Scientific investigations in this direction are being carried on in other civilized countries. The Government of Bengal also will be glad to see the public interesting themselves in this matter, since the production of cheap alcohol will materially help in the industrial regeneration of the country. The Department of Excise will therefore be ready to give all possible facilities to individuals or companies who will take up this industry.

With a view to the carrying out of the policy of the Government as explained above, the Minister in charge has taken and intends to take the following steps:—

(1) Total abolition of the practice of settling excise and opium shops by annual auctions. It cannot be gainsaid that much of the false impression of the public regarding the excise policy of the Government in this country originated largely

from this auction system, for the reason that the licensees were suspected to push up sales for recouping the high taxation fixed by free bids at the auction settlements. It has already been abandoned in several districts of this Presidency, and the Minister in charge has directed that it should be wholly abandoned in the others and replaced by what is called the Bengal fixed-fee system as early as possible.

(2) Referring to the industrial use of alcohol, the Minister in charge has already taken an important step, with effect from 1st March last, viz., the reduction of duty on alcohol required for medicinal or other industrial purposes by over 50 per cent., which has been a great help in the manufacture of medicines in Bengal. It is under contemplation to take further necessary steps in this direction.

(3) A Council resolution to do away with excise taxation upon fresh date juice has already been accepted.

(4) The pay and prospects of all officers of the department have been increased in a manner which will enable them to carry on their work decently and honestly.

While thus briefly explaining the excise policy of the Government, the Minister in charge cannot help touching on a few points regarding which the public may have some misgivings. It is the impression of many that the object of the Government and their excise officers is to push on the sales of intoxicating articles as much as possible, and that they have no sympathy for movements aimed at the curtailment of facilities for intoxicants.

The Minister in charge is anxious that this impression should be removed from the public mind as soon as possible. He, therefore, desires that, henceforward, all officers of the department should have due regard to the wishes of the public in excise matters and specially in fixing the number and sites of excise shops, hours and method of business therein and similar matters. It is desirable that all officers of the department should show by their conduct, speech and work to the non-co-operators, that they are not less interested in the cause of temperance than the latter. There are gentlemen in many places who take a keen interest in excise matters. It is expected that officers of the department will co-operate with such gentlemen and show by their work that they are not anxious to push on the sale of excisable articles at the sacrifice of the moral well-being of the people.

In conclusion, the Minister in charge desires to impress on all officers of the department the great necessity of discharging their duties conscientiously and loyally carrying out the policy, rules and orders of the Government.

Statement referred to in the reply to clause (b) of unstarred question No. 115, showing the annual consumption of country spirit and ganja since 1912-13.

Year.		Consumption of country spirit in L. P. gallons.	Consumption of *ganja* in seers.
1912-13	..	851,534	122,810
1913-14	..	823,971	118,410
1914-15	..	718,116	103,376
1915-16	..	665,023	85,532
1916-17	..	626,454	85,990
1917-18	..	700,586	76,340
1918-19	..	796,972	79,038
1919-20	..	755,285	82,085
1920-21	..	766,572	73,626
1921-22	..	599,415	65,527
1922-23	..	593 355	63,541
1923-24	..	621,183	66,619
1924-25	..	609,653	69,079

Dr. H. W. B. MORENO: With reference to the answer to question (*g*), is it not a fact that the labouring classes spend more than the agricultural classes on intoxicants and drugs, because of the fact that Government afford special facilities by the nearness of the shops for the sale of intoxicants and drugs?

Mr. PRESIDENT: That question does not arise.

Muhammadans in the Tippera Collectorate.

116. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing the names and pay—

(*i*) of peshkars, nazirs, clerks, amla and typists working at present in the Tippera Collectorate; and

(*ii*) how many of them are Muhammadans?

(*b*) Will the Hon'ble the Member be pleased to state the names, designation and pay of the Muhammadan employees?

(*c*) Are the Government considering the desirability of filling one-third of all posts in the Tippera Collectorate by appointing Muhammadans in future—

(*i*) in new posts;

(*ii*) in vacancies; and

(*iii*) as apprentices?

MEMBER in charge of DEPARTMENT of REVENUE (LAND REVENUE) (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*a*) and (*b*) Government are not prepared to state the names, designations and pay of all ministerial officers in the Tippera Collectorate. There are 14 Upper Division appointments, 88 Lower Division appointments and 20 temporary posts. Of these appointments, 4, 29 and 7, respectively, are held by Muhammadans.

(*c*) The proportion of ministerial appointments to be held by Muhammadans in the Chittagong Division has been fixed at one-third under rule 55 of the Board's Miscellaneous Rules, 1918. The filling of vacancies in the Tippera Collectorate is governed by this rule, which is being followed.

Transfer of certain villages from Munshiganj to Tippera.

117. SHAH SYED EMDADUL HAQ: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that

(*i*) by the transfer of some 120 villages named Gazaria, etc., under police-station Daudkandi, from Dacca district to Tippera Sadar, the inhabitants of those villages have been inconvenienced; and

(*ii*) the journey to Comilla from those villages is tedious, troublesome and expensive?

(*b*) Is it a fact that when they were under the jurisdiction of the Munshiganj subdivision of Dacca, the journey to that subdivisional town was convenient and short and less expensive?

(*c*) Is it a fact that the inhabitants of those villages have submitted a petition, through the Collector of Tippera, in this matter?

(*d*) Is it a fact that the journey from those villages to the Chandpur subdivision is nearer and more convenient than that to Comilla?

(*e*) Are the Government considering the desirability of retransferring those villages to Munshiganj, as before, or at least to Chandpur, in the alternative?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) The villages referred to have formed part of the Tippera district since April, 1914. The change must have caused a certain measure of inconvenience to villagers in this area who have occasion to frequent the courts at district and subdivisional headquarters, but not otherwise.

(*c*) Yes.

(*d*) Yes, if the journey is made by steamer.

(*e*) The question is being considered by Government.

Measures to compel cultivators to remove water-hyacinth.

118. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Agriculure and Industries be pleased to state whether it is a fact that the cultivators are, as a rule, unwilling to remove, voluntarily, the water-hyacinth from the lands belonging to them?

(*b*) Is it also a fact that they refuse to employ paid labour for this purpose because of the expenditure involved?

(*c*) Are the Government considering the desirability of taking any steps to compel the cultivators to remove water-hyacinth from their land or to use it as manure?

The Hon'ble Sir HUGH STEPHENSON: (*a*) and (*b*) So far as Government are aware cultivators are not actually unwilling to remove water-hyacinth from their own lands, but they are often apathetic.

(*c*) Many district boards have passed bye-laws dealing with the matter, but Government do not consider that the time is ripe for undertaking any general legislation on the lines suggested.

Medical school at Berhampore.

119. Maulvi EKRAMUL HUQ: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state when the Mental Hospital at Berhampore is likely to be removed to Ranchi?

(*b*) Is it in the contemplation of the Government to locate the Medical School within the Mental Hospital?

(*c*) Is it a fact that the Mental Hospital is at some distance from the Government Charitable Dispensary and Hospital at Berhampore?

(*d*) Is it a fact that the Central Jail at Berhampore is a stone's throw from the Berhampore Government Charitable Dispensary?

(*e*) Is it a fact that the Berhampore Central Jail can be converted into a Medical School with very little or no expense?

(*f*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the number of separate cells in the—

(*i*) Mental Hospital; and

(*ii*) Central Jail?

(*g*) Is it a fact that the Mental Hospital has more accommodation than the Central Jail?

(h) Is it a fact that at some expense the Mental Hospital could be suitably converted into a Central Jail with better accommodation for the ordinary and political prisoners?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) About the end of September 1925.

(b) The proposal is before Government.

(c) to (h) Government have no information at present on these points. The present position as regards the establishment of new medical schools is briefly as follows:—

Government hope at an early date to provide two new schools. Local committees have been formed in several districts (Hooghly, Barisal, Midnapore, Jalpaiguri, Chittagong, Howrah and Berhampore) for the purpose of working out schemes. Government have offered to establish schools in Chittagong and Jalpaiguri, on condition that adequate local contributions are made; if these towns are unable to comply with the terms laid down by Government, similar offers will be made to other local committees. The recurring charges on account of new schools are heavy, while on other grounds it is not advisable to multiply new schools too rapidly. Government therefore at present propose to establish only two additional schools. The points raised in the question will be borne in mind and carefully examined if it is decided to open a school at Berhampore.

Maulvi EKRAMUL HUQ: Will the Hon'ble the Member be pleased to state if any inquiry was made from the district authorities in regard to the points raised in my question?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: This has not yet been done, but we propose to do it later.

Maulvi EKRAMUL HUQ: Is the Government aware that in fact much progress has been made by the district authorities, subscriptions raised, and they are on the fair way to establish the medical school at Berhampore?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Yes. I would refer the member to the reply given to the question put by Babu Amulya Dhone Addy. That will give him much detailed information about these questions.

Maulvi EKRAMUL HUQ: Will the Hon'ble the Member be pleased to state if he proposes to write at once to the district authorities to ascertain all facts about the questions that I have tabled and then consider these matters according to the promise made?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Our position is clearly stated in the reply; the matter is receiving our closest attention.

Barrackpore Trunk Road, Dum-Dum Road and Jessore Road.

120. Maulvi ABDUR RASCHID KHAN: (*a*) Has the attention of the Hon'ble the Member in charge of the Department of Public Works been drawn to the remarks made by Mr. Charles Bentley, the late Sanitary Commissioner, at the Corporation meeting, on the deplorable condition of the Barrackpore Trunk Road, Dum-Dum Road and Jessore Road?

(*b*) Will the Hon'ble the Member be pleased to state the amount spent on those roads annually?

(*c*) Will the Hon'ble the Member be pleased to state the reasons for which the Government refused to make over those roads to the Corporation with a contribution equal to the amount they spend on those roads annually?

(*d*) Will the Hon'ble the Member be pleased to state—

(*i*) What amount the Corporation was ready to spend to improve the condition of those roads; and

(*ii*) What amount would be spent annually by the Corporation for the maintenance of those roads if they were made over to the Corporation?

(*e*) Will the Hon'ble the Member be pleased to state the amount spent on the Maidan roads to bring them to the level of the Corporation roads?

(*f*) Is it a fact that more traffic passes through the Barrackpore Trunk Road than the Maidan roads?

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. T. Emerson): (*a*) Government, in the Public Works Department, are not aware of the remarks.

(*b*) The average expenditure was—

		Rs.
Barrackpore Trunk Road	...	61,334
Dum-Dum Road ...	...	5,950
Calcutta-Jessore Road	...	66,548

(c) Government are willing to make over the portions of these roads lying within the municipal limits, but without any contribution as the maintenance of roads within a municipal area is normally a charge on municipal revenues.

(d) (i) and (ii) Government have no information.

(e) Rupees 8,87,706.

(f) No traffic census has been taken on either of these roads, but it appears to be improbable as the Maidan roads are practically the only roads which connect the north of Calcutta with the southern suburbs of Calcutta, Garden Reach, Behala, etc.,

Accommodation of football match visitors in Calcutta Maidans.

121. Babu HEM CHANDRA NASKER: (a) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the fact that a large number of people gather during the football matches in the football grounds in Calcutta?

(b) Is it a fact that a gentleman fell unconscious on the ground and died subsequent to his removal to the hospital?

(c) Are the Government considering the desirability of taking steps so that either the sale of tickets for entry into the enclosure be limited or more spacious accommodation be made for the safety of the visitors?

(d) Are the Government considering the desirability of building a permanent stadium for these football and other matches in Calcutta?

(e) Is the Hon'ble the Member aware that tickets for entrance into the enclosures are sold by outsiders at rates higher than that fixed?

(f) Are the Government considering the desirability of taking steps to stop this practice?

The Hon'ble Sir HUGH STEPHENSON: (a) Yes.

(b) Government have no such information.

(c) The sale of tickets for entry into the enclosures is strictly limited, and in no cases have tickets been sold to spectators in excess of the accommodation available.

The accommodation for spectators was increased in 1924 on the Calcutta Ground to what is now a maximum.

(d) There are no definite proposals for a permanent stadium before Government, but it is understood that this matter is receiving the attention of the Indian Football Association to whom recently one party desirous of constructing a stadium has been referred.

(*e*) Tickets appear to have been resold in some instances this year at prices above those paid by the original purchaser.

(*f*) Government are not in a position to interfere with such a practice.

Dr. H. W. B. MORENO: May I ask if the Government are prepared to give early facilities for the erection of a stadium?

The Hon'ble Sir HUGH STEPHENSON: This has nothing to do with the Government.

Calcutta Rent Act.

122. Babu AMULYA DHONE ADDY: (*a*) Is the Hon'ble the Member in charge of the Department of Local Self-Government aware that the demand of houses as at present in Calcutta is less than the supply thereof?

(*b*) Are the Government considering the desirability of suggesting the repeal of the Calcutta Rent Act or the necessary modifications thereof?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) and (*b*) The reply is in the negative.

Babu AMULYA DHONE ADDY: Will the Hon'ble the Member be pleased to state whether the number of vacant houses in Calcutta has gone up during the last few years?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: I want notice of this question.

Babu AMULYA DHONE ADDY: Will the Hon'ble the Member be pleased to state whether house rents in Calcutta have materially gone down during the last few years?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: The question is rather vague. Unless the information is wanted for a definite period we cannot give an answer.

Babu AMULYA DHONE ADDY: Is the Hon'ble the Member aware that the provisions of the Calcutta Rent Act are defective in many instances?

Mr. PRESIDENT: An amending Bill has been introduced; you had better put in your amendments there.

Admission into Calcutta Medical College.

123. Babu AMULYA DHONE ADDY: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of candidates for admission into the Calcutta Medical College; and

(*ii*) the number of candidates admitted into the said college during the current and the last ten years respectively?

(*b*) Is it a fact that Muhammadan candidates have been given preference in the last selection?

(*c*) Will the Hon'ble the Member be pleased to state—

(*i*) the total number of medical practitioners during the last year in the several districts of Bengal; and

(*ii*) the total population of the said districts as per the last Census Report?

(*d*) Will the Hon'ble the Member be pleased to say whether it is a fact that the number of seats in the Calcutta Medical College is inadequate and the number of medical practitioners in Bengal is small?

(*e*) Are the Government considering the desirability of advising the Selection Committee of the Calcutta Medical College to select the best of the candidates irrespective of race or creed?

(*f*) Are the Government considering the desirability of establishing and maintaining a Medical College near the Sambhunath Pandit Hospital and Presidency General Hospital in Bhowanipore or in some other district of Bengal at an early date?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahdaur of Nadia: (*a*) A statement (A) giving the information is laid on the table.

(*b*) No. Twenty-five per cent. of the seats were as usual reserved for Muhammadan candidates.

(*c*) (*i*) A statement (B) is laid on the table.

(*ii*) The information is available in the Census Report.

(*d*) No. The College Council have now by past experience after careful consideration fixed the number 120 as the maximum number which can be accommodated for teaching in the practical class rooms

without undesirable triplication of classes for which the existing staff would be inadequate.

In addition, the number of midwifery cases available in the Eden Hospital limits the number of those to whom instruction in Midwifery and Gynæcology can be properly given to about 100 (20 being the usual wastage from failure, etc., during the first 5 years of the curriculum).

The number of *registered* medical practitioners in Bengal is small when compared with the population of the province.

(*e*) Instructions have already been laid down for the guidance of the Selection Committee to the effect that the candidates selected must secure at least 50 per cent. of the marks in English and in the preliminary scientific subjects, and that admissions should be made on the respective merits of the candidates.

To afford, however, an opportunity to Muhammadan candidates up to the percentages fixed for them, the committee has been authorised to relax the conditions in the case of students of this community, so as to make a pass in the 2nd Division the minimum qualification in their case. The committee has also been authorised to relax the conditions in the case of students of the other backward communities and in the case of those possessing special claims.

(*f*) No.

Statement A referred to in the reply to clause (a) of unstarred question No. 123.

NUMBER OF CANDIDATES FOR ADMISSION TO THE MEDICAL COLLEGE, CALCUTTA, AND THOSE ACTUALLY ADMITTED FOR 1916—25.

Session.		Number of application.	Number admitted, including female candidates and candidates from other provinces in reserved seats.
1916-17	..	707	165
1917-18	..	830	164
1918-19	..	827	167
1919-20	..	947	174
1920-21	..	1,021	182
1921-22	..	956	191
1922-23	..	949	177
1923-24	..	1,56	153
1924-25	..	1,339	130
1925-26	..	996	120

Statement B referred to in the reply to clause (c) (i) of unstarred question No. 123.

The total number of medical practitioners registered under the Bengal Medical Act, 1914, up to 31st December, 1924, in the districts of Bengal and the population of these districts—

Calcutta	...	1,284
Midnapore	...	150
Burdwan	...	257
Khulna	...	77
Dacca	...	274
Hooghly	...	207
Howrah	..	176
Bakarganj	...	81
24-Parganas	...	229
Nadia	...	161
Faridpur	...	100
Mymensingh	...	178
Jessore	...	79
Murshidabad	...	79
Noakhali	..	37
Birbhum	...	58
Bankura	...	81
Rangpur	...	79
Bogra	...	47
Pabna	...	94
Malda	..	31
Darjeeling	...	52
Chittagong	...	60
Chittagong Hill Tracts	...	17
Rajshahi	...	87
Dinajpur	...	65
Jalpaiguri	...	69
Tippera	...	80

Babu AMULYA DHONE ADDY: Will the Hon'ble the Member be pleased to state why the Muhammadan candidates who have passed in the 2nd Division have been given preference to Hindu candidates who have passed in the 1st Division?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: This has been clearly explained in the last portion of answer (c). We wanted a sufficient number of Muhammadan candidates to go in for these medical studies.

Babu AMULYA DHONE ADDY: Is it not a case of sheer injustice?

Mr. PRESIDENT: Order, order.

Admission into Calcutta Medical College.

124. Mr. SYED M. MASIH: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*i*) the number of candidates who applied, and

(*ii*) the number admitted into the Medical College, Calcutta, during the last 3 years, 1923 to 1925?

(*b*) Is it a fact that a large number of candidates are refused admission every year?

(*c*) Are the Government considering the desirability of strengthening the staff and equipment of the college, so as to make it possible to admit at least double the present maximum number of candidates?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) and (*ii*) 1923 1,156 candidates, of whom 153 were admitted.

1924 1,339 candidates, of whom 130 were admitted.

1925 996 candidates, of whom 120 were admitted.

(*b*) Yes.

(*c*) No expansion of the college staff or equipment of class room without a corresponding increase in the number of beds available for clinical instructions will be of any avail in permitting a larger number of students to be admitted.

The number 120 has been now fixed as the maximum number of new students who can be admitted for being taught in the college and associated group of hospitals if medical education is to keep abreast of the standard required by the advance of medical sciences throughout the world.

Reservation of seats in the Calcutta Medical College.

125. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether seats are kept reserved for any class of candidates seeking admission into the Calcutta Medical College?

(b) If so, how many out of the total number admitted this year were kept reserved for—

(i) Muhammadans; and

(ii) Depressed classes?

(c) On what principle was the reservation made?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) Yes.

(b) (i) Twenty-five per cent. of the total admission.

(ii) Two seats for backward communities.

(c) The reservation in the case of Muhammadans and backward communities is made with a view to encourage candidates from these communities to study medicine.

Dr. H. W. B. MORENO: With regard to answer (c) will the Hon'ble the Member be pleased to state if he included in the backward communities Anglo-Indians as well?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: Does Mr. Moreno want his community to be included in the backward communities?

Dr. H. W. B. MORENO: Certainly not.

Plying of lorries and buses on District Board roads.

126. Babu HEM CHANDRA NASKER: (a) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state whether it is a fact that a large number of lorries and buses ply on business purpose on the roads of the different District Boards of Bengal?

(b) Is the Hon'ble the Member aware that the constant plying of the lorries and buses has resulted in making the condition of these roads bad and has resulted in heavy expenditure on the part of the District Boards to maintain them?

(c) Will the Hon'ble the Member be pleased to state whether the Government are considering the desirability of authorising the District Boards to levy a tax upon lorry and bus owners?

The Hon'ble Maharaja KSHAUNISH CHANDRA NAY Bahadur of Nadia: (a) Government have no definite information.

(*b*) Complaints have been received from some District Boards that the constant plying of heavy motor lorries have damaged the roads.

(*c*) Yes.

Scheme of water-supply at Patuakhali.

127. Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) whether he is aware of the need of water-works with house connection at the Patuakhali subdivision town in the district of Bakarganj;

(*ii*) whether it is a fact that for want of pure drinking water, cholera, malaria and kala-azar break out there in epidemic form;

(*iii*) whether it is a fact that schemes for such water-works have been prepared by the Engineering Department of the Public Health Department and have been forwarded through the District Magistrate and Divisional Commissioner to the Sanitary Board; and

(*iv*) whether it is a fact that the Patuakhali Municipality has prayed for a contribution of the two-thirds of the initial costs from the Government and that the District Magistrate has recommended the same?

(*b*) Are the Government considering the desirability of giving a favourable consideration to it and granting the contribution?

(*c*) Are the Government considering the desirability of taking steps for the early fruition of the scheme?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) (*i*) and (*ii*) The need for an improved water-supply is admitted. In 1898 the water-supply was improved to a certain extent by the introduction of a filter of the Faridpur type. An impure or deficient water-supply is usually reflected in the number of deaths from cholera. In Patuakhali previous to 1898, the cholera death-rate was 7·5 while five years later it had fallen to 4·4 per mille. Since then cholera has not been absent, but present to a variable extent. A statement No. 1, showing the death-rates from cholera, kala-azar and malaria for the last five years in Patuakhali is placed on the table. From this it will be seen that cholera is still prevalent though kala-azar and malaria would not seem to be great factors in mortality. The figures from the dispensary attendances (*vide* Statement No. II placed

on the table) also support the view that malaria is not seriously prevalent in Patuakhali. The small filter installed in 1898 has proved troublesome and unsatisfactory, and the necessity for an improved water-supply is evident.

(*iii*) and (*iv*) Yes.

(*b*) The application is under consideration.

(*c*) Yes.

Statements referred to in the reply to clause (a) of unstarred question No. 127.

STATEMENT I.

Mortality from cholera, malaria and kala-azar in the town of Patuakhali for the last five years (1920-24).

Years.	Cholera.		Malaria.		Kala-azar.		Total deaths from all causes.	
	Deaths.	Ratio	Deaths.	Ratio.	Deaths.	Ratio.	Deaths.	Ratio.
1920 ..	16	2·6	..*	..*	..*	..*	125	20·1
1921 ..	36	5·[illegible]	..*	..*	..*	..*	128	18·3
1922 ..	34	4·9	..*	..*	1	·1	155	[illegible]·2
1923 ..	15	2·1	..*	..*	..*	..*	145	20·8
1924 ..	19	2·7	..*	..*	2	·3	161	[illegible]3·1

* Separate figures are not available

STATEMENT II.

Malaria statistics of the Patuakhali Dispensary for the last five years 1920-24.

		Total cases.	Malaria cases.	Ratio.
1920	..	11,944	467	3·9
1921	..	11,771	463	3·9
1922	..	10,908	464	4·2
1923	..	9,416	531	6·6
1924	..	10,484	1,589	15·2

Receivers appointed in Khulna.

128. Maulvi SAYYED SULTAN ALI: Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the last five years—

(*i*) how many Receivers have been appointed under the District Judge of Khulna by different courts; and

(*ii*) how many of them have been given to Muhammadans?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) Ten by the District Judge in insolvency cases and seven by the subordinate courts.

(*ii*) None. In all the insolvency cases the nazir of the Judge's court was appointed Receiver without any remuneration.

Motor Vehicles Department.

129. Babu BEJOY KRISHNA BOSE: (*a*) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the manner in which the administration of the Motor Vehicles Department is being conducted?

(*b*) Is it a fact that the conductors of private buses are compelled to take out licenses, where the conductors of the Calcutta Tramways Company's buses are not?

(*c*) Is it a fact that the buses of the Tramways Company and Walford Company are allowed to use solid tyres against the rules and to carry extra passengers who stand in the buses against the rules?

(*d*) Is it a fact that these companies are not required to take out permissions which other private buses are for use of routes and roads on private engagements?

(*e*) Is it a fact that owners of private buses have to produce their buses several times a month for inspection?

(*f*) Are the Government considering the desirability of making an enquiry into the matter?

The Hon'ble Sir HUGH STEPHENSON: (*a*) No representations appear to have been received about this department prior to this question.

(*b*) There is no such differentiation. Facilities were previously given to bus traffic by waiving conductors' licenses; but conductors are now required to take out licenses in accordance with rule 5 in Part V of the rules. In both cases all bus owners have been treated alike.

(*c*) For buses not over two tons weight the Commissioner of Police requires pneumatic tyres under rule 19 in Part V of the rules in accordance with expert advice that this is a reasonable requirement for the reduction of vibration on such buses. Heavy buses are allowed to run on rubber tyres under rule 5 (*1*) (*a*) in Part III of the rules. It is believed that this is the practice in other large cities. No bus whatsoever is permitted to carry passengers in excess of the sanctioned number.

(*d*) It is only recently that the restriction on the route followed by buses, which requires the permission of the Commissioner under rule 11

in Part V, has been applied to buses chartered for private engagements. No differentiation is made in its application.

(e) Buses once registered are only called up for re-examination under rule 4 in Part II of the rules, if there is reason to believe that they have ceased in any respect to conform to the Motor Vehicles Rules or are not maintained in such a condition as to prevent danger to the public.

(f) Government see no reason for making further enquiries.

Cocaine traffic in Calcutta.

130. Mr. M. DAUD: (a) Has the attention of the Hon'ble the Member in charge of the Police Department been drawn to the two judgments delivered by Mr. E. H. Keays, Additional Chief Presidency Magistrate, North Division, in cases of—

(1) Emperor *versus* Dhirendra Nath Das; and

(2) Emperor *versus* Rajnat Ahir?

(b) If so, will he be pleased to lay on the table copies of the judgments of these two cases?

(c) What action have the Government taken or do they propose to take in the matter for suppression of cocaine traffic in the north district of Calcutta?

(d) Will the Hon'ble the Member be pleased to state whether any Presidency Magistrate of the southern police court has recorded similar observations like Mr. Keays regarding cocaine traffic cases in the southern court?

(e) Will the Hon'ble the Member be pleased to state whether it is a fact that recently cocaine traffic had assumed large proportions at Titagar and that a wholesale transfer of police officers from Titagar was followed by a round up of the den keepers and the suppression of the traffic?

(f) If so, are the Government considering the desirability of adopting the procedure of Titagar by transferring the Deputy Commissioner of Police as well as other important police officers from the north district to any other districts?

The Hon'ble Sir HUGH STEPHENSON: (a) and (b) Government have seen the copies of the judgments which have appeared in the press.

(c) The subject is receiving the attention of the Commissioner of Excise and of the Commissioner of Police.

(d) Government are not aware that similar observations have been made in the southern court.

(e) I am informed that these suggestions are without foundation.

(f) No.

Mr. M. DAUD: Will the Hon'ble the Member be pleased to state whether Government are aware that there were cocaine seizures in Titagar?

The Hon'ble Sir HUGH STEPHENSON: I have no information on the subject; so far as I know there is none.

Mr. M. DAUD: Will the Hon'ble the Member be pleased to state whether police officers were transferred from Titagar or not?

The Hon'ble Sir HUGH STEPHENSON: There has been no transfer of police officers at Titagar except in the ordinary course of transfers.

Bengal Tenancy Act (Amendment) Bill.

131. SHAH SYED EMDADUL HAQ: (a) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state what is the present condition of the draft Bill to amend the Bengal Tenancy Act?

(b) Is it a fact that in reply to questions the Council was informed that the Bill was being redrafted?

(c) Is the redrafting completed?

(d) Is there any likelihood to introduce this Bill at the next Council Session?

(e) If so, what steps are being taken in that direction?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (a) to (e) The Bill is being prepared for publication and will be introduced as early as possible.

Dacca Municipality.

[illegible]. **Maulvi ALLAH BUKHSH SARKAR:** (*a*) Has the attention of the Hon'ble the Member in charge of the Local Self-Government Department been drawn to the financial condition of the Dacca Municipality? If so, do the Government propose to do anything with regard to the Dacca Municipality?

(*b*) Is it a fact that the present Vice-Chairman Rai Bahadur Keshub Chandra Banerjee stood for election as a candidate for Ward No. 1? Is it a fact that he failed to secure the majority of votes? If so, how is it that he has been nominated by the Government?

(*c*) Is the Hon'ble the Member aware that the Additional Magistrate of the district was always a nominated member of the Dacca Municipality? If so, how is it that in the current year that practice has been deviated from?

(*d*) Is the Hon'ble the Member aware of the assessment case of Babu Bhuban Mohan Basak and two others against the Chairman of the Dacca Municipality?

(*e*) Is the Hon'ble the Member aware of the Dacca Shakari Bazar riot case? If so, has the Government made any enquiry regarding the cause of the aforesaid riot?

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: (*a*) Yes. There is at present difficulty in realizing the rates.

Government are in communication with the municipality on the subject.

(*b*) Rai Bahadur Keshub Chandra Banerjee stood for election and was defeated. Government were of opinion that his work as Vice-Chairman in spite of great difficulties was efficient and successful, and that in the public interest it was desirable that he should be a member of the new Board.

(*c*) It has been usual to appoint the Additional Magistrate on the Municipal Board. In making their appointments to the new Board, Government were unable to find a place for this officer.

(*d*) Yes.

(*e*) Some rate-payers of Shakari Bazar resisted the attachment of property for arrears of municipal rates and assaulted the police officer who was deputed to support the municipal employees. The Chairman was unwilling to prosecute as the offenders submitted an apology and promised to pay their rates without further opposition.

Appointment of M[illegible]ns on ministerial staffs of Civil Courts of Hooghly, Howrah and Midnapore.

133. Maulvi ZANNOOR AHMED: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) how many posts there are in the ministerial staffs of the Civil Courts of Hooghly, Howrah and Midnapore;

(*ii*) how many of these posts are at present held by Muhammadans;

(*iii*) how many appointments were made in the years 1923 to 1925; and

(*iv*) how many were given to Muhammadans?

(*b*) Is it a fact that appointments are generally made on the principle that at least one-third of the total appointments should go to Muhammadans?

(*c*) Has that proportion been maintained in the Civil Courts of Hooghly, Howrah and Midnapore?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble the Member be pleased to state the reasons?

(*e*) What steps, if any, have been taken to carry out Government orders regarding the appointment of Muhammadans?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) 312, (*ii*) 31, (*iii*) 19, (*iv*) 8.

(*b*) Yes.

(*c*) The proportion has not yet been reached.

(*d*) It must necessarily take time to secure the desired proportion.

(*e*) The proportion of appointments of Muhammadan candidates to recent vacancies has been increased.

Appointment of Muhammadans in superior grades of Calcutta Police.

134. Khan Bahadur S. MAHBOOB ALEY: (*a*) Has the attention of the Hon'ble the Member in charge of the Appointment Department been drawn to the memorials regarding the appointment of Muhammadans in the superior grades of the Calcutta Police, submitted by the Central National Muhammadan Association and by some Muhammadan members of the Bengal Legislative Council?

(c) Are the Government taking any action to redress the grievances mentioned therein?

(d) Is it a fact that since the creation of the post of Assistant Commissioners of the Calcutta Police in 1916, no less than 27 appointments have been made to this rank from the Hindu and Christian Inspectors and no Muhammadan has yet been appointed to any of those posts?

(d) Is it not a fact that among the Assistant Commissioners so appointed, Messrs. Wooley, Cook, Jackson, N. N. Majumdar and N. C. Chatarji were juniors to certain Muhammadan Inspectors?

(e) Is it not a fact that by an order of the 15th March, 1921, 50 per cent. of the appointments in the rank of Inspectors are reserved for Europeans and Anglo-Indians?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Hugh Stephenson): (a) The former has been received but not the latter.

(b) The representations of the Association have been considered in detail and a reply will shortly be sent dealing with the several questions raised.

(c) There have been 20 permanent and 7 temporary appointments. No Muhammadan has been appointed.

(d) The first four officers named were not junior in the grade of Inspectors to any Muhammadan. N. C. Chatarji was appointed to a temporary vacancy when he was four months junior to a Muhammadan Inspector.

(e) The existence of an order of 1921 reserving certain appointments for Europeans and Anglo-Indians has recently come to my notice and it will be cancelled. There are certain posts of Inspector for which by their previous training European and Anglo-Indian officers are normally best qualified, and other posts for which on the same grounds Indian officers are normally best qualified. The cancellation of this order will not effect this fact, or the principle that in all cases of promotion preference will be given to the officer best qualified.

Appointment of Muhammadans in ministerial services under the Khulna District Judge.

135. Maulvi SAYYED SULTAN ALI: (a) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that the District Judge of Khulna did not reply to the letter of the Secretary of the Khulna Muhammadan Association, dated 22nd July, asking for the following informations:—

(i) total number of ministerial officers serving under the District Judge of Khulna;

(*ii*) how many of them are Muhammadans; and

(*iii*) the names and educational qualifications of the persons who have been appointed and the names of the posts to which they have been appointed during the last five years?

(*b*) If so, will the Hon'ble the Member be pleased to state what was the justification of the District Judge for such conduct?

(*c*) Is it a fact that the claims of the Muhammadan candidates in respect of appointments in ministerial services under the District Judge of Khulna have been neglected in violation of the Circular No. 3386A., dated 20th April, 1914.

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Member be pleased to state the reason therefor?

(*e*) Are the Government considering the desirability of issuing instructions to all the District Judges in general and to the District Judge of Khulna in particular for the strict observance of the circular in respect of future appointments?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The District Judge did send a reply regretting his inability to furnish the information as would entail much clerical labour.

(*b*) The question does not arise.

(*c*) Upon the facts available to us at present the answer is in the negative. Government will make further enquiries.

(*d*) The question dose not arise.

(*e*) The instructions already issued should, in the opinion of Government, be sufficient. The question of issuing further instructions will be considered when it appears to be necessary.

Rates of charges on goods on Port Trust Railway between Howrah and Shalimar.

136. Mr. K. CAMPBELL: (*a*) Will the Hon'ble the Member in charge of the Marine Department be pleased to state whether it is a fact that very high charges are still made on goods consigned to or from sidings on the branch line of the Port Trust Railway between Howrah station and Shalimar Depôt?

(*b*) Is it a fact that a representation on the subject was made to the Railway Board in November, 1924?

(*c*) Is it a fact that the Railway Board referred the matter to the Government of Bengal, Marine Department, to be dealt with?

(d) Will the Hon'ble the Member be pleased to state what steps, if any, are being taken to modify the rates so that the charges of the branch may be shared equitably by all traffic using the branch?

The Hon'ble Mr. T. EMERSON: (a) Government are informed that the charges on goods consigned to and from sidings on the branch line of the Port Trust Railway between Howrah Station and Shalimar Depôt are lower than to any other stations on the Port Trust Railway with the exception of the Shalimar Depôt.

(b) and (c) Yes.

(d) The matter is still under the consideration of Government.

Copyists and Typists.

137. Babu MAHENDRA NATH MAITY: With reference to the reply given on the 27th August, 1924, to my unstarred question No. 43, will the Hon'ble the Member in charge of the Judicial Department be pleased to state what steps are being taken by the Government for increasing the rate of remuneration of the copyists and typists in consideration of the rise of price of folios?

The Hon'ble Sir ABD-UR-RAHIM: The price of folios was raised subsequent to and on account of the raising of the standard remuneration of typists and copyists. Any further increase of the rate of remuneration must be justified on other grounds which are under consideration.

Supplementary Budget of the Government of Bengal for the year 1925-26.

Demands for grants.

26—Police.

The Hon'ble Sir HUGH STEPHENSON: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 28,122 be granted for expenditure under the head "26—Police".

This expenditure is for 2 items; the first is the restoration of the Detective Training School. I know that this will be challenged by some members on the ground that its abolition was on the recommendation of the Retrenchment Committee. As soon as the Retrenchment Committee recommended the abolition of the training school I decided to meet their wishes wherever possible, and within a month

we closed down the school. The recommendation of the Retrenchment Committee was to this effect—"we have been told that the school can be closed without serious loss of efficiency"; there is nothing further than that. We closed the school, and we find that it has led to a distinct loss of efficiency. In these days the detection of crime is a matter for experts and if we are going to improve our detective force in Bengal—and the members in this Council often complain of the quality of detection in Bengal—we must equip them scientifically to deal with crime. The school has been very favourably commented on by experts from all the other provinces, who have been sent down here to watch the work with a view to introducing a similar school in their provinces. There are training schools now in most other provinces.

After 18 months we find that the closing of this school has had a very deteriorating effect upon our detective force; therefore we propose to reopen it.

The other point is the provision of two motor lorries for the Barrackpore subdivision. This is really a matter of economy. There are a large number of mills there and the whole area is liable to sudden outbreaks which we cannot foresee. It is essential that we should be able to have a force on the spot at once of armed men to deal with these outbreaks the moment they occur, and that is why we want these two lorries on which we can transport to the spot from the police-stations something like 28 men who can hold the crowd in check until further reinforcement come up. The mills have promised to co-operate but they can only come in the second stage in assisting to bring up reinforcements. If we do not have these lorries, if we do not make our police force mobile, the only result is that we shall have to increase the number of police and post them permanently all over the area. But we want to go on with the number of police that we have now and make them mobile by having these two lorries. If we cannot do that, we must strengthen the police force; therefore I would ask the members of this Council to pass this demand as a matter of economy.

Babu BEJOY KRISHNA BOSE: I beg to move that the demand of Rs. 17,222 for re-establishment of the Detective Training School under the head "26—Police" be refused.

I find at page 12 of the book of Supplementary Demands the following remark under this head:—

The Detective Training School at Howrah was abolished on the recommendations of the Retrenchment Committee.

Then follows a very significant passage:—

The disadvantages of depriving the force of proper training in detective methods are however so acute that it is considered necessary to reopen the school without delay.

The Hon'ble Member in charge anticipated me by saying that reference will be made to the report of the Retrenchment Committee. I would like to make a reference to a short paragraph consisting of three lines at page 52 of the report. The paragraph runs thus:—

The Detective Training School at Howrah costs approximately Rs. 32,000 in recurring expenditure. We have been told that it can be closed without any serious loss of efficiency and we recommend that this be done.

An ironical reference has been made to it, as the Hon'ble Member says "we have been told", as if they had been told in private or they were told while not sitting in a Committee, but they were told by somebody, and in view of that they had heard they made that recommendation. I am quite sure a Committee consisting of men like Sir Campbell Rhodes, Rai Abinash Chandra Banerjee Bahadur, Mr. Surendra Nath Mallik, Mr. Spry, Sir R. N. Mookerjee and others must have had before them sufficient data upon which they have come to that conclusion, and they have said that this school could be closed without any serious loss of efficiency, and the Government which took such a long time in coming to certain conclusions with regard to the other recommendations of the Committee, closed the school, we are told by the Hon'ble Member to-day, within one month of this recommendation. This shows that they were in full agreement with what was reported here by the Committee. I am not quarreling with regard to what was done in the past, but I would like to draw the attention of the members of this House to the words in the book of Supplementary Demands, *viz.*,

The disadvantages of depriving the force of proper training in methods are however *so acute* that it is considered necessary to reopen the school without delay.

Now who felt this disadvantage? Is there any Magistrate who animadverted upon the want of detective capabilities of the police in Calcutta? Is there any judgment commenting on the want of detective ability of the force? Is there any report of a District Magistrate to the effect that the administration of justice was suffering on account of the want of detective ability of the police force? In the absence these data, I at any rate will not be satisfied with a statement like that—that the disadvantages were so acute that it was considered necessary to reopen the school. Some strong case must be made out to show the acuteness of the disadvantage. Detectives like poets are born, you cannot train detectives, and we, who have got some experience of criminal cases in courts, know very well that the detective qualities of the force in spite of these training schools and colleges are very very poor, and in fact they detect nothing unless they are set to work on clues given by the witnesses. In the absence of these papers and unless it can be shown that the disadvantages felt are very acute, I hope this House will not grant this demand.

SHAH SYED EMDADUL HAQ supported the motion.

Babu AMULYA DHONE ADDY: I beg to support this motion. It appears that this school was abolished in accordance with the recommendations of the Retrenchment Committee; and I think we would not be justified in sanctioning a special grant unless and until we are convinced that the Committee had committed a serious mistake. We all know that the Committee was appointed by Government. We all know that it consisted of experts and it took evidence from experts on this question. After having considered the evidence of the experts they came to this conclusion. Therefore they were convinced that the school could be abolished.

The mover has drawn attention to the remark of the Retrenchment Committee that this school could be closed without any serious loss of efficiency. I admit, Sir, that there should be a school for training men in the detective system; and that is the reason why I wish to draw your special attention to paragraph 140 of the report of the Retrenchment Committee. In that paragraph they said that there is another college for the training of police officers, namely, at Sarda, and that it provides training for Assistant Superintendents of Police, Deputy Superintendents of Police, Sub-Inspectors and Assistant Sub-Inspectors. Having regard to the fact that there is a special college for the training of police officers, I do not think it is advisable to have another institute at Bhowanipur. It appears from the Supplementary budget that we are asked to sanction Rs. 17,222, but it is to be remembered that this sum is necessary for the remaining period of the current financial year and not the annual expenditure. Therefore, in the absence of express reasons I do not think we would be justified in sanctioning this amount.

Maulvi ZANNOOR AHMED and **Rai HARENDRANATH CHAUDHURI** supported the motion.

The Hon'ble Sir HUGH STEPHENSON: I would like to say a few words with regard to the only thing that has been said in favour of these motions. Babu Bijoy Krishna Bose, in referring to the Retrenchment Committee, quoted what they said and he appealed to the Council on the ground that it was quite impossible that the Retrenchment Committee could have been told this in secret and that Government should not know what they were told. That is precisely what happened in this case as also with regard to all the recommendations of the Retrenchment Committee. The Retrenchment Committee deliberately took their evidence *in camera* and no one knows what witnesses were examined, and even Government does not know what the witnesses said. Therefore, Sir, it is impossible for Government to know what

was said to the Retrenchment Committee. So far as we are concerned, we have no knowledge of what happened before the Retrenchment Committee, or on what grounds they made their recommendations.

Then, Sir, Babu Bijoy Krishna Bose rather unfairly cast it in my teeth that I had carried out the recommendation of the Retrenchment Committee within one month and therefore he argued that I must have agreed with that recommendation. I would like to say that I did not agree with that recommendation and I had very great misgivings in carrying it out, but it was a recommendation of the Retrenchment Committee, it was a recommendation that could be given effect to at once. It was a recommendation of a Committee we had set up, and I felt it was up to us to carry out the recommendation if it was possible to do so. Therefore I carried out the recommendation in the teeth of opposition on the part of the Police Department and despite my own judgment and I closed down the school; but after 18 months I find that the Retrenchment Committee went too far.

Then Babu Bijoy Krishna Bose quotes from the footnote under the schedule regarding the disadvantages of depriving the force of proper training in detective methods and asks if there are judgments to that effect, or if Magistrates or Courts have said so. Surely the people whose opinion is of the highest value in a matter of this kind are the police and unless the police detect crimes, how can cases go up before Magistrates or Courts and how can we have judgments on cases which do not go before the Courts. But if the mover will go through judgments of mufassal Courts, I can guarantee that in many instances he will find some remarks upon the question of the detection of crimes. I was also astonished to hear from the mover that detectives cannot be trained. The fact is precisely the opposite —detectives must be trained. You cannot expect a man to detect crimes by the light of nature—you have got to train him. We teach our men finger-prints, we teach them foot impressions, we teach them the use of chemicals, photography, disguises and every method by which they can cope with crime.

Then, Sir, Babu Amulya Dhone Addy, whom I hope to convince and take with me to the lobby, admits that there ought to be a training school for detectives; but he is under a wrong impression that there is already one at Sarda. Now, the Sarda Training School performs entirely different functions. It does not teach anything of the art of detection. Officers and men are sent to Sarda to be taught their duties when they first join the force and it is useless to attempt to train an officer in detective work until he has had considerable experience as a police officer of ordinary police work. If we were to give our men detective training at Sarda, the course would have to be an entirely different one; we would have to get experts there and we would have to incur far greater expenditure than at Bhowanipur. Moreover, the

opportunities for training in detective work are infinitely greater here than in a mufassal station.

The motion of Babu Bejoy Krishna Bose was then put and lost.

The following motion was, by leave of the Council, withdrawn:—

Maulvi ZANNOOR AHMED: "That the demand of Rs. 17,222 under the head '26—Police—Re-establishment of the Detective Training School at Bhowanipur' (page 12, Estimates) be reduced by Rs. 10,000."

The motion that a sum of Rs. 28,122 be granted for expenditure under the head "26—Police", was then put and a division taken with the following result:—

AYES.

Abbott, Mr. E. G.
Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Ahmed, Maulvi Tayebuddin.
Ali, Maulvi Sayyed Sultan.
Band, Mr. R. N.
Banerjee, Rai Bahadur Abinash Chandra.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Best, the Hon'ble S. J.
Birley, Mr. L.
Browne, Mr. P. H.
Campbell, Mr. K.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Chowdhury, Maulvi Fazial Karim.
Cohen, Mr. D. J.
Das, Babu Charu Chandra.
Daud, Mr. M.
De, Mr. K. C.
Dey, Mr. G. S.
Dess, Rai Bahadur Pyari Lal.
Datt, Mr. G. S.
Eddis, Mr. S. E. G.
Emerson, the Hon'ble Mr. T.
Faroqui, Khan Bahadur K. S. M.
Forrester, Mr. J. Campbell.
Ghuznavi, Nadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. F. N.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrul.
Huq, Maulvi A. K. Fazl-ul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Lal Mahammed, Haji.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Masih, Mr. Syed M.
Morens, Dr. H. W. B.
Morgan, Mr. G.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath.
Roy, Mr. S. N.
Roy, Raja Manilell Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Smaith, Mr. J. P.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

NOES.

Ahamed, Maulvi Ajimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zannoor.
Bagchi, Babu Romes Chandra.
Bakeh, Maulvi Kader.
Banerjee, Dr. Pramathanath.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyad Abdur Rob.
Chaudhuri, Rai Narendranath.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Dee Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Dey, Babu Sarada Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haldar, Mr. S. N.
Haq, Shah Syed Emdadul.
Hoque, Maulvi Sayedul.

Hoodain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Maulvi Abdur Rasohid
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitra, Babu Jogendra Nath.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohen.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Sen, Mr. N. C.
Suhrawardy, Dr. A.
Tarafdar, Maulvi Rajib Uddin.

The Ayes being 61 and the Noes 46, the motion was carried.

The time-limit having been reached the following motions were not dealt with:—

SHAH SYED EMDADUL HAQ, Maulvi ZANNOOR AHMED and Rai HARENDRANATH CHAUDHURI: "That the demand of Rs. 10,900 for motor transport for the Barrackpore and Serampore police under the head '26—Police—Motor Transport for Barrackpore and Serampore police' (page 12, Estimates) be refused."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 28,122 under the head '26—Police—District Police (Schemes 1 and 2)' (page 12, Estimates) be refused."

Point of order.

Babu AKHIL CHANDRA DATTA: On a point of order, Sir. Is a member competent to vote in the "Aye" lobby after calling for a division in a case where a motion has been declared by the President to be carried?

Mr. PRESIDENT: I cannot quite follow you.

Babu AKHIL CHANDRA DATTA: The last motion was declared by you to be carried. After that a certain member called for a division; he then voted in the "Aye" lobby.

Mr. PRESIDENT: That is to say he challenged my announcement and then went into the "Aye" lobby. It was certainly improper on his part, and he should not have acted as he did.

31—Education.

MEMBER in charge of DEPARTMENT of EDUCATION (the Hon'ble Sir Abd-ur-Rahim): On the recommendation of His Excellency the Governor, I move that a sum of Rs. 3,82,985 be granted for expenditure under the head "31—Education".

I may just explain that the items regarding the reserved side of education are in charge of my Hon'ble colleague, Sir Hugh Stephenson.

SHAH SYED EMDADUL HAQ moved that the demand of Rs. 30,000 under the head "31—Education—Special grant to St. Paul's School, Darjeeling," be refused.

Babu AMULYA DHONE ADDY: I move that the demand of Rs. 30,000 for special grant to St. Paul's School, Darjeeling, be reduced by Rs. 15,000.

Sir, I take a very moderate view of the question, I admit, Sir, that there is a deficit of Rs. 30,000 in the case of St. Paul's School, Darjeeling, but that does not, I am afraid, admit of the whole of the deficit being met from the Provincial Revenue. In answer to my question yesterday the Hon'ble Member in charge was pleased to state that, notwithstanding the fact of their being an urgent need for the establishment of agricultural, industrial and commercial schools in several parts of Bengal, nothing has yet been possible to do in that direction for want of funds. But, Sir, now that there is a demand of Rs. 30,000 in the case of a European school, the Government is willing to meet it. It is, therefore, quite apparent that Government is very liberal in the case of European schools. It appears from the report of the Retrenchment Committee that the Victoria School with 190 students receives a Government grant of Rs. 94,000 per annum and the Dow Hill Girls' School with 120 students, Rs. 98,000 per annum, that is to say, these two European institutions receive a Government grant of about two lakhs of rupees per annum. Sir, we do not object to the grants being given to European schools, but what we would take exception to is that Government should not make an invidious distinction between European and Indian schools. In these circumstances the demand of Rs. 30,000 in the case of St. Paul's School, Darjeeling, should be reduced by Rs. 15,000.

The following motions were called but not moved:—

Babu SATYA KISHORE BANERJEE: "That the demand of Rs. 30,000 under the head '31—Education—B.—Secondary—1. Special grant to St. Paul's School, Darjeeling' (page 12, Estimates), be reduced by Rs. 10,000."

Babu BEJOY KRISHNA BOSE: "That the demand of Rs. 30,000 under the head '31—Education' for special grant to the St. Paul's School, Darjeeling (page 12, Estimates), be reduced by Re. 1."

Dr. H. W. B. MORENO: Owing to my meagre knowledge of the Bengali language I could not quite follow what Shah Syed Emdadul Haq said except for a sentence or two, here or there, but I was able

to follow more fully the speech of my Hon'ble friend Mr. Addy. He has made the common error in thinking that Government have got a large corner in their heart for the welfare of Anglo-Indian education as contrary to the welfare of Indian education. It is a well recognised fact that these grants given for the maintenance of these schools, are largely required to accommodate students as boarders. Sir, we hear a great deal of the treatment of minorities. We are told that special treatment should be accorded to minorities and that they should be encouraged in order that they may take their rightful place along with the other larger communities of the country. Government have already recognised this fact and the Anglo-Indian community is grateful to the Government for that, because Government have realised the real need of education for this community. There is so much talk in this Council and outside that minorities should be given protection and that the Anglo-Indian community should be encouraged, I can then see no reason for any opposition to a grant for schools intended for a minority community. The community is doing its very best to meet the needs of these schools and is giving more than what Government can give. It is not then right and proper to say that these grants should be taken away or reduced simply because other communities are not being well served. If the majority community to which Mr. Addy belongs feels that it has got a grievance, let him call for further grants for its schools but do not let him stand in the way of the minority communities such as the Anglo-Indian community is, for the community is doing its very best by means of education to make its members stand side by side with the other sister communities of India, in the great fight for the enfranchisement of the peoples of India.

Mr. H. BARTON: As far as I can gather the position of the school at the present moment is a very critical one, and if this grant is not given, this institution will have to close down entirely, and I am sure it is not the desire of any one in this House that an institution of so long a standing, particularly one which is working for the good of my community, should be allowed to close. It will be a very ungracious act to refuse this grant. The total deficit of this school, as far as I know, is about Rs. 50,000. To meet this interested parties in Calcutta have made themselves responsible for Rs. 15,000 and subscriptions from other sources will amount to about Rs. 5,000 or 10,000 more, and it is only the difference that is asked for in the demand for this grant. The position of Anglo-Indian schools at the present moment everywhere is more or less critical. The community as a whole is not very well off and at the present moment there are many hundreds of children who have to be taken out of schools on that account. Efforts have been made by the community in every possible manner to prevent the closure of the school, and if in addition to these

difficulties the members of this House refuse this small grant of Rs. 30,000 and thus threaten the school with closure, they will certainly be doing my community a bad turn. I therefore hope that the House will agree to this demand.

The Hon'ble Mr. T. EMERSON: I think I ought to say a few words in order to explain the somewhat peculiar circumstances under which the school authorities have been compelled to come up to Government for a grant. St. Paul's is the only school in Bengal to which Europeans, Anglo-Indians and Indians can send their children to receive education on lines similar to those given in public schools in England. For this reason during the war many people, who usually send their children to England for education, sent them to this school at Darjeeling so that the number of students grew in numbers to a point which it never attained before. After the war was over those boys who had been sent to the school on account of the war were sent home again with the result that the number of students attending the school diminished to a very great extent. At the same time, the wages and salaries of teachers increased so that the school was faced with a situation of a dwindling number of students and increased expenditure. The school has itself done everything possible to deal with the situation, and it is only in the very last resort that it has come to Government for this small grant to get over the difficulties in which it has found itself. What the school authorities have done themselves to meet the situation is to reduce their staff and to get their budget reduced by Rs. 5,000. They have also made a private collection among their well-wishers of Rs. 15,000 and with this and the Rs. 30,000 which I hope the Council will see their way to grant them, they will make up the whole deficit of Rs. 50,000 which is needed to put the school on its legs again. This grant has only been applied for as a single grant to meet the situation, and it is not intended to be a recurring one. The school will not come to the Council again and the authorities are making arrangements in future to keep their expenditure within their receipts. I do not think I have anything further to say about this, and I hope the Council will see their way to grant this demand.

The motion of Shah Syed Emdadul Haq was then put and lost.

The motion of Babu Amulya Dhone Addy was then put and lost.

SHAH SYED EMDADUL HAQ moved that the demand of Rs. 5,000 under the head "31—Education—Provident Fund for Teachers" (page 14, Estimates), be refused.

Babu DEBI PROSAD KHAITAN: I am surprised that the Shah Sahib moves a motion that the demand of Rs. 5,000 under the head "Education—Provident Fund for Teachers" be refused. This

motion involves a principle of very great importance, namely, the establishment of a Provident Fund for Teachers. I have all along been under the impression that the members of the Swaraj party and the members of the Nationalist party are very anxious to protect the interests of the poor school teachers, and when the Government brings forward a resolution by means of which a provident fund can be established for the benefit of school teachers, I am surprised to find the Shah Sahib coming forward with a resolution that this grant should be refused. It is well known that the Provident Fund is an institution which takes the place of pensions given to Government officers, and I do not see what ground there is that this small grant of Rs. 5,000 should be refused.

The motion of Shah Syed Emdadul Haq was then put and lost.

The following motions were called but not moved:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 20,000 under the head '31—Education—University grants-in-aid to non-Government Arts College' (page 18, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 19,700 under the head '31—Education—Development of the Imperial Seminary' (page 20, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 19,700 under the head '31 Education University direct grants to non-Government Colleges' (page 20, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 6,200 under the head '31—Education—University Government Professional Colleges—Bengal Engineering College, Sibpur' (page 22, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 1,494 under the head '31—Education—University Government Professional Colleges' (page 24, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 5,082 under the head '31—Education—Increase in the consolidated grant, etc.' (page 24, Estimates) be refused."

Rai HARENDRANATH CHAUDHURI, Babu MANMATHA NATH ROY and Maulvi ZAINOOR AHMED: "That the demand of Rs. 14,722 under the head '31—Education—Establishment of Middle English Schools for girls in district headquarters' (page 26, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 1,048 under the head '31—Education—Secondary Schools' (page 28, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 8,000 under the head '31—Education—Additional contract grant, etc.' (page 28, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 8,000 under the head '31—Education—Contract contingent grant of the Education Department' (page 28, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 5,268 under the head '31—Education—Additional contract grant for punkha, etc.' (page 30, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 5,268 under the head '31—Education—Additional grant for punkha, etc.' (page 30, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 50,534 under the head '31—Education—Provision for additional building grants' (page 30, Estimates) be reduced by Rs. 20,000."

Babu MANMATHA NATH ROY: "That the demand of Rs. 50,534 under the head '31—Education—Provision for additional building grants' (page 30, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 5,000 under the head '31—Education—Increased provision for furniture' (page 32, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 5,000 under the head '31—Education—Increased provision for furniture' (page 32, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 25,000 under the head '31—Education—Provident fund for teachers' (page 32, Estimates) be refused."

Babu MANMATHA NATH ROY and Maulvi ZAHOOR AHMED: "That the demand of Rs. 75,000 under the head '31—Education—Secondary Direct grants to non-Government primary schools' (page 34, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH CHAUDHURI Bahadur: "That the demand of Rs. 6,888 under the head '31—Education—Proposal for increasing the value of stipends in training and normal schools' (page 36, Estimate) be refused."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 4,740 under the head '31—Education—Creation of 79 additional stipends, etc.' (page 36, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 17,500 under the head '31—Education—Special—Direct grants to non-Government special schools—Madrasahs' (page 40, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 1,120 under the head '31—Education—34—Strengthening of the offices of the Divisional Inspector of Schools' (page 42, Estimates) be refused."

Babu SATYA KISHORE BANERJEE and Babu MANMATHA NATH ROY: "That the demand of Rs. 1,120 under the head '31—Education—General Inspection—34—Strengthening of the offices of the Divisional Inspectors of Schools' (page 42, Estimates) be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 2,250 under the head '31—Education—Scholarships,' sub-head (35) (page 42, Estimates), be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 900 under the head '31—Education—E—General Scholarships' (page 42, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 1,212 under the head '31—Education—General Scholarships' (page 44, Estimates) be reduced by Re. 1."

Shah SYED EMDADUL HAQ: "That the demand of Rs. 840 under the head '31—Education—Increase of the stipendiary allowance of the Smriti and Nyaya Professors of the *tols* at Nabadwip' (page 48, Estimates), be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 6,000 under the head '31—Education—General Miscellaneous—Miscellaneous' (page 48, Estimates) be reduced by Rs. 3,000."

Babu MANMATHA NATH ROY: "That the demand of Rs. 6,000 under the head '31—Education—General Miscellaneous—Miscellaneous' (page 48, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 958 under the head '31—Education—Loss by Exchange' (page 50, Estimates) be reduced by Re. 1."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 3,82,985 under the head '31—Education,' sub-head (46) (page 52, Estimates), be refused."

The motion that a sum of Rs. 3,82,985 be granted for expenditure under the head "31—Education" was then put and agreed to.

Point of order.

Maulvi ABDUL JUBBAR PAHLOWAN: On a point of order, Sir. Is there no necessity to have the permission of the House to withdraw a motion?

Mr. PRESIDENT: When the motion is not moved such permission is not necessary.

32—Medical.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,02,487 be granted for expenditure under the head "32—Medical".

The following motions were called but not moved:—

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 64,536 under the head '32—Medical—Presidency Hospitals and Dispensaries,' sub-head (3) (page 54, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 64,536 under the head '32—Medical—Presidency Hospitals and Dispensaries,' sub-head (3) (page 54, Estimates), be reduced by Re. 1."

Rai HARENDRANATH CHAUDRURI and Babu MANMATHA NATH ROY: "That the demand of Rs. 1,200 for the establishment of a Dental Department in the Presidency General Hospital under the head '32—Medical,' sub-head (6) (page 58, Estimates), be refused."

Babu MANMATHA NATH ROY and Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 450 under the head '32—Medical—Appointment of a Registrar of the Campbell Medical Hospital,' sub-head (9) (page 60, Estimates), be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 2,550 under the head '32—Medical—Reorganization of the Albert Victor Leper Asylum at Gobra,' sub-head (10) (page 62, Estimates), be refused."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 3,190 under the head '32—Medical—Remission of contribution payable by the Burdwan Fraser Hospital,' sub-head (11) (page 62, Estimates), be refused."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 1,248 under the head '32—Medical—Revision of the pay of the Media-makers, etc.,' sub-head (13) (page 64, Estimates), be refused."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 1,02,487 under the head '32—Medical—Medical Schools and Colleges—Other Medical Schools' (page 68, Estimates) be refused."

The motion of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia was then put and agreed to.

Babu DEBI PROSAD KHAITAN: Sir, may I inquire whether notices of these motions were sent in order to give the President some exercise of lungs?

Mr. PRESIDENT: Quite possibly.

33—Public Health.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur of Nadia: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 52,870 be granted for expenditure under the head "33—Public Health".

The following motions were called but not moved:—

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur and Maulvi ZANNOOR AHMED: "That the demand of Rs. 5,250 under the head '33—Public Health—Development of the Publicity Bureau' (page 70, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 5,250 under the head '33—Public Health—Development of the Publicity Bureau' (page 70, Estimates) be reduced by Re. 1."

Babu MANMATHA NATH ROY: "That the demand of Rs. 20,000 under the head '33—Public Health—Public Health Establishment—Supplies and Services—Contribution towards the pay of Health Officers and Sanitary Inspectors' (page 72, Estimates) be reduced by Re. 1."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 52,870 under the head '33—Public Health—Expenses in connection with epidemic diseases' (page 72, Estimates) be refused."

The motion of the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia was then put and agreed to.

34—Agriculture.

The Hon'ble Sir HUGH STEPHENSON: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 79,156 be granted for expenditure under the head "34—Agriculture".

The following motions were called but not moved:—

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 1,000 under the head '34—Agriculture—Publicity and propaganda work,' sub-head (1) (page 74, Estimates), be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 1,000 under the head '34—Agriculture—Publicity and propaganda work,' sub-head (1) (page 74, Estimates), be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 700 under the head '34—Agriculture—Collection of wage-census,' sub-head (2) (page 74, Estimates), be refused."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 3,449 under the head '34—Agriculture—Cattle census,' sub-head (3) (page 76, Estimates), be refused."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 7,643 under the head '34—Agriculture—Establishment of a farm for conducting experiments with crops on the alluvial soils of the Bogra district,' sub-head (9) (page 82, Estimates), be refused."

SHAH SYED EMDADUL HAQ and Babu MANMATHA NATH ROY: "That the demand of Rs. 7,643 under the head '34—Agriculture—Establishment of a farm for conducting experiments with crops on the alluvial soils of the Bogra district,' sub-head (9) (page 82, Estimates), be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur and SHAH SYED EMDADUL HAQ: "That the demand of Rs. 9,471 under the head '34—Agriculture—Appointment of auditors, etc.' sub-head (11) (page 84, Estimates), be refused."

Maulvi ZANNOOR AHMED: "That the demand of Rs. 9,471 under the head '34—Agriculture—Appointment of auditors, etc.,' sub-head (11) (page 84, Estimates), be reduced by Rs. 5,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 9,471 under the head '34—Agriculture—Appointment of auditors, etc.,' sub-head (11) (page 84, Estimates), be reduced by Re. 1."

Babu AMULYA DHONE ADDY: I beg to move that the demand of Rs. 39,545 under the head "34—Agriculture—Revision of pay" be refused.

It appears that there is a proposal for the revision of the pay of the inspectors and chief and divisional auditors of the co-operative societies. It appears from the note that it is proposed to raise the pay of the chief auditor from Rs. 250 to Rs. 300 a month and that of the divisional auditor from Rs. 200 to Rs. 250 a month and of the inspectors from Rs. 100 to Rs. 125 per month. It is accordingly proposed to make an annual increase in the pay of these officers of Rs. 3,295 a month or a total annual expenditure of Rs. 39,545. It may be said that these officers are working very satisfactorily; it may be so, but there is no reason whatsoever as to why their pay should now be materially increased and that by about Rs. 40,000 per annum. Now, Sir, the officers of other departments may also ask for further increments of their pay and therefore it will be very difficult for us to justify this increment unless and until we are told that there are special grounds for this.

The motion was put and lost.

The following motions were called but not moved:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 39,545 under the head '34—Agriculture—Revision of pay, etc.' (page 84, Estimates), be reduced by Rs. 20,000."

Maulvi ZANNOOR AHMED: "That the demand of Rs. 39,545 under the head '34—Agriculture—Revision of pay, etc.' (page 84, Estimates) be reduced by Rs. 10,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 39,545 under the head '34—Agriculture—Revision of pay, etc.' (page 84, Estimates), be reduced by Re. 1."

Rai SATYENDRA NATH ROY CHAUDHURI Bahadur: "That the demand of Rs. 1,715 under the head '34—Agriculture—Boat establishment' (page 86, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 7,000 under the head '34—Agriculture—Co-operative Credit—Supplies and Services—Grants to Co-operative Societies' (page 86, Estimates) be refused."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 79,156 under the head '34—Agriculture—Co-operative Credit—Contingencies—Other contingent charges' (page 88, Estimates) be refused."

The motion of the Hon'ble Sir Hugh Stephenson was then put and agreed to.

35—Industries.

The Hon'ble Sir HUGH STEPHENSON: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 93,212 be granted for expenditure under the head "35—Industries".

The following motions were called but not moved:—

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 6,371 under the head '35—Industries—Opening of a survey class in the Burdwan Technical School' (page 92, Estimates) be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 34,350 under the head '35—Industries—Industrial Education—Grant-in-aid' (page 96, Estimates) be reduced by Re. 1."

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 93,212 under the head '35—Industries' (page 100, Estimates) be refused."

The motion of the Hon'ble Sir Hugh Stephenson was then put and agreed to.

37—Miscellaneous Departments.

The Hon'ble Mr. T. EMERSON: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 7,744 be granted for expenditure under the head "37—Miscellaneous Departments".

The following motions were called but not moved:—

Maulvi MD. NURUL HUQ CHAUDHURY and SHAH SYED EMDADUL HAQ: "That the demand of Rs. 7,744 under the head '37—Miscellaneous Departments' (page 102, Estimates) be refused."

Rai HARENDRANATH CHAUDHURI: "That the demand of Rs. 7,744 under the head '37—Miscellaneous Departments' (page 102, Estimates) be reduced by Rs. 3,872."

Babu SATYA KISHORE BANERJEE: "That the demand of Rs. 7,744 under the head '37—Miscellaneous Departments' (page 102, Estimates) be reduced by Rs. 2,000."

Babu MANMATHA NATH ROY and SHAH SYED EMDADUL HAQ: "That the demand of Rs. 7,744 under the head '37—Miscellaneous Departments' (page 102, Estimates) be reduced by Re. 1."

The motion of the Hon'ble Mr. T. Emerson was then put and agreed to.

41—Civil Works.

The Hon'ble Mr. T. EMERSON: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 3,19,597 be granted for expenditure under the head "41—Civil Works".

The following motions were called but not moved:—

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 19,000 under the head '41—Civil Works—Scheme No. 1' (page 102, Estimates) be reduced by Rs. 9,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 19,000 under the head '41—Civil Works—Scheme No. 1' (page 102, Estimates) be reduced by Re. 1."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 20,000 under the head '41—Civil Works—Scheme No. 2' (page 104, Estimates) be reduced by Rs. 10,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 20,000 under the head '41.—Civil Works—Scheme No. 2' (page 104, Estimates), be reduced by Re. 1."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 20,000 under the head '41.—Civil Works—Scheme No. 3' (page 104, Estimates), be reduced by Rs. 10,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 45,000 under the head '41.—Civil Works—Scheme No. 5' (page 106, Estimates), be refused."

Babu AMULYA DHONE ADDY: I beg to move that the demand of Rs. 45,000 under the head "41—Civil Works—Scheme No. 5" be reduced by Rs. 20,000.

It appears that the total cost of structural alterations required in the Juvenile Jail at Alipore and other courts is Rs. 73,300 and it is proposed to incur an expenditure for Rs. 45,000 during the current official year. It has been said that this is in accordance with the recommendation of the Jails Standing Committee. It may be regarded by Government as a necessary item of expenditure but I think that it is not an urgent one; for, had it been so, an amount less than the total sum would not have been asked for and this fact alone by itself proves that the work is not an urgent one and if I considered it to be an urgent one I would not have grudged to vote the entire sum required, that is, Rs. 73,300.

During the last three years, for want of funds, not a single agricultural school, not a single industrial school, and not a single commercial school has been established in any part of Bengal, and therefore since on the alleged ground of want of funds Government has not found its way to expend a single farthing even for the establishment of these schools for technical education which is absolutely necessary I beg to submit that we are not justified in passing a grant of even a farthing, for what?—for structural alterations, and structural alterations of what?—of a jail! Having regard to the fact that it is not an urgent measure and having regard to the fact that other nation-building schemes have been kept in abeyance on the ground of want of funds, I do not think we shall be justified in sanctioning this expenditure on the structural alterations of the Juvenile Jail at Alipore.

The Hon'ble Sir HUGH STEPHENSON: I think the mover of this amendment is entirely under a misapprehension. I won't follow him into what he says about our having done nothing for industrial or agricultural schools. I am prepared to meet him on that point at any time, but I cannot enter into details now because it will take up the

time of the Council. It is not merely a structural alteration of a jail; it is an attempt to improve the condition under which the juvenile prisoners are kept. At present they are kept, as he says, in a jail; we want them to be kept in a building which more closely resembles an industrial school. A little while ago they were employed on the unsuitable occupation of making quinine tabloids; we want to train them in carpentry and give them technical training and so on. In order to do this we have to make the building more of a school than of a jail. We proposed to take away entirely the mass of cubicles from the jail and turn them into association wards. The idea is not merely to improve the architectural features of the jail; it is to entirely alter the system under which we are at present treating our juvenile prisoners; we want to turn it into something of a reformatory school rather than a jail. As long as we keep the cages or wire cubicles the jail cannot attain to a resemblance to a reformatory school.

Babu AMULYA DHONE ADDY: As I am convinced by the arguments advanced by the Hon'ble Member I ask your permission to withdraw my amendment.

The motion of Babu Amulya Dhone Addy was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Babu SATYA KISHORE BANERJEE: "That the demand of Rs. 45,000 under the head '41.—Civil Works—Scheme No. 5' (page 106, Estimates), be reduced by Rs. 10,000."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 45,000 under the head '41.—Civil Works—Scheme No. 5' (page 106, Estimates), be reduced by Re. 1."

SHAH SYED EMDADUL HAQ and Babu MANMATHA NATH ROY: "That the demand of Rs. 55,000 under the head '41.—Civil Works—Scheme No. 6' (page 106, Estimates), be refused."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 55,000 under the head '41.—Civil Works—Scheme No. 6' (page 106, Estimates), be reduced by Re. 1."

Rai HARENDRANATH CHAUDHURI and Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "That the demand of Rs. 25,000 under the head '41.—Civil Works—Scheme No. 7' (page 106, Estimates), be refused."

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

The following motions were called but not moved:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 8,500 under the head '41.—Civil Works—Scheme No. 9' (page 108, Estimates), be reduced by Re. 1".

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "That the demand of Rs. 20,000 under the head '41.—Civil Works—Scheme No. 10' (page 108, Estimates), be refused."

Rai HARENDRANATH CHAUDHURI: I beg to move that the demand of Rs. 18,910 under the head "41—Civil Works—Scheme No. 11", be refused.

The scheme is this: It relates to the construction of an office building for the Deputy Director of Agriculture, Eastern Circle, and officers subordinate to him at the Dacca Farm.

The necessity for this demand is explained in the following remark:—

The office of the Deputy Director of Agriculture, Eastern Circle, is now located in the building intended for the Research section. With the expansion of research work it has now become an urgent necessity to provide more space for the Research section. It has accordingly been decided to construct separate buildings for the office of Deputy Director of Agriculture and officers subordinate to him.

Many building schemes have been suggested in the Supplementary budget and we see, much to our regret that the hard-earned remission of the provincial contribution is going to be spent after all in bricks and mortar for the different departments. If a separate building be required for the Deputy Director of Agriculture at Dacca, certainly Dacca being a populous town houses can be rented there and I do not understand what immediate necessity there can be for building a new office for the Deputy Director of Agriculture, Eastern Circle, at Dacca.

The following motion was called but not moved:—

Babu MANMATHA NATH ROY: "That the demand of Rs. 18,910 under the head '41.—Civil Works—Scheme No. 11 (page 110, Estimates), be reduced by Re. 1."

The Hon'ble Sir HUGH STEPHENSON: I hope to convince Rai Harendranath Chaudhuri that his motion is on the wrong lines. The main part of the work of the Agricultural Department is research. The

Department consists of two parts, the first research and the second demonstration and of the two research is perhaps the more important. In research we have gone a considerable way, but in demonstration we are still making experiments. I do not know whether the mover has ever seen the Research Institute at Dacca; if not, I hope he will take the earliest opportunity of going to Dacca to see it. It is a most interesting place. But the work is cramped and is suffering from lack of accommodation, to take one example we want to launch out into the general analysis of the whole of the soil in Bengal, and we have not got room for the research work apparatus. The only way to provide it is to turn out the Deputy Director of Agriculture into an office of his own; he has no business at the Institute at all. Therefore we propose to restore to this important branch of the Agricultural Department the room which was originally built for this research work, and this is the most convenient way in which we can do it by building a house for the Deputy Director of Agriculture. Therefore, I hope the mover will withdraw his motion.

Rai HARENDRANATH CHAUDHURI: Why not take a rented house for the office of the Deputy Director of Agriculture?

The Hon'ble Sir HUGH STEPHENSON: We cannot do that because there are no houses near the farm, the farm is in a desert of crops. The Deputy Director's work is mainly concerned with the farm and his office must be adjacent to it. He cannot do his work if he is 6 or 7 miles away at Dacca. It is essential to have his office adjacent to the farm.

The motion of Rai Harendranath Chaudhuri was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur: "That the demand of Rs. 24,897 under the head '41.—Civil Works—Scheme No. 12' (page 110, Estimates), be refused."

Babu MANMATHA NATH ROY: "That the demand of Rs. 24,897 under the head '41.—Civil Works—Scheme No. 12' (page 110, Estimates), be reduced by Rs. 15,000."

Rai HARENDRANATH CHAUDHURI: I beg to move that the demand of Rs. 10,000 under the head "41—Civil Works—Scheme No. 14", be refused.

This scheme relates to the construction of a residence and office for the Public Works Department Subdivisional Officer, Asansol, and the remarks in the book of Supplementary Demands are as follows:—

The Superintending Engineer reported that the office and residence were in a rented house on a fixed rent of Rs. 60 per month for one year, from July, 1919, to June, 1920. On expiry of the lease the owner served a notice in November, 1921, to vacate the premises. In the circumstances the Superintending Engineer asked for the sanction of Government to the payment of an increased rent of Rs. 100 per month from January, 1922, till a suitable house was found. It was not considered desirable to pay such a high rent when the share of rent recoverable from the Subdivisional Officer was very small. The necessity for the construction of the office and residence is therefore obvious.

But it is not obvious to us and I hope I shall not be invited to visit Asansol as well. It is apparent from the above remarks that a rented house is still available at Asansol. Now that the Sub-divisional officers of the Executive Department have got Government buildings to live in, it is the turn of the Public Works Department officers to have pucca buildings. Probably the Co-operative and other department officers will come next. If the other Subdivisional Officers of the Public Works Department are not provided with Government buildings, why should these two persons only be fortunate enough to have buildings provided by Government? Only two Subdivisional Officers of the Public Works Department are going to be provided with buildings. So far as Rajshahi is concerned, I reserve my remarks for the present, but so far as Asansol is concerned, a rented house can meet the requirements.

The following motion was called but not moved:—

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 10,000 under the head '41.—Civil Works—Scheme No. 14' (page 112, Estimates), be reduced by Re. 1."

The Hon'ble Mr. T. EMERSON: I have nothing to add to the remarks given in the book of Supplementary Demands. I have explained the obviousness of the demand. It is very inconvenient for the Government to have their officers in houses the rents of which are likely to be raised. In this case the rent was raised suddenly from Rs. 80 to Rs. 100. If we did not pay the extra rent, the Subdivisional Officer would have to leave the house. Government think that it is more economical and that they will get better work if their officers are provided with separate houses of their own. I think, therefore, this scheme of building houses for Public Works officers in places where there is considerable difficulty in obtaining suitable houses is one which ought to be encouraged in the interests of good work.

The motion of Rai Harendranath Chaudhuri was then put and lost.

Rai HARENDRANATH CHAUDHURI: I beg to move that the demand of Rs. 10,000 under the head "41—Civil Works—Scheme No. 15", be refused.

Much on the same ground as I moved the last motion I am moving this as well. This demand relates to the construction of the residence of the Public Works Subdivisional officer at Rajshahi. Again, I may remind the House that this is the thin end of a wedge, and if they are inclined to sanction this demand, Government will be justified in future to bring forward demands to provide buildings for all the other Public Works Subdivisional officers and not only for Public Works officers alone, but for officers in all other departments who are accommodated in rented houses. It is therefore for the Council to consider the matter seriously, because if they once commit themselves to support this demand, they will be bound to support such others in future as well.

The following motion was called but not moved:—

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 10,000 under the head '41.—Civil Works—Scheme No. 15' (page 114, Estimates), be reduced by Re. 1."

The Hon'ble Mr. T. EMERSON: This is not a new scheme. It has been pending for a long time and could not be carried out for want of funds. This is not the only case where a house has been provided for a Subdivisional Officer, but there is an extensive scheme under which many Subdivisional Officers of the Public Works Department have already been provided with houses. I therefore think that there is nothing objectionable in this demand, and I hope that the mover will see his way to withdraw his motion.

The motion of Rai Harendranath Chaudhuri was then put and lost.

The following motions were called but not moved:—

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 5,600 under the head '41.—Civil Works—Scheme No. 16' (page 114, Estimates), be refused."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 5,600 under the head '41.—Civil Works—Scheme No. 16' (page 114, Estimates), be reduced by Re. 1."

Babu NALINIRANJAN SARKER and Maulvi Md. NURUL HUQ CHAUDHURY: "That the demand of Rs. 3,19,597 under the head '41.—Civil Works—Government Press' (page 114, Estimates), be refused."

The motion that a sum of Rs. 3,19,597 be granted for expenditure under the head "41—Civil Works" was then put and agreed to.

46—Stationery and Printing.

MEMBER in charge of DEPARTMENT of FINANCE (The Hon'ble Mr. T. EMERSON): On the recommendation of His Excellency the Governor I move that a sum of Rs. 16,000 be granted for expenditure under the head "46—Stationery and Printing".

The following motions were called but not moved:—

Rai SATYENDRA NATH ROY CHOUDHURI Bahadur and Maulvi Md. NURUL HUQ CHAUDHURY: "That the demand of Rs. 16,000 under the head '46—Stationery and Printing' (page 114, Estimates), be refused."

SHAH SYED EMDADUL HAQ: "That the demand of Rs. 16,000 under the head '46—Stationery and Printing—Revision of Press Establishment' (page 114, Estimates), be reduced by Rs. 8,000."

The motion of the Hon'ble Mr. T. Emerson was then put and agreed to.

Expenditure in England—High Commissioner.

The Hon'ble Mr. T. EMERSON: On the recommendation of His Excellency the Governor I move that a sum of Rs. 19,600 be granted for expenditure under the head "Expenditure in England—High Commissioner".

The following motion was called but not moved:—

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 19,600 under the head 'Expenditure in England—High Commissioner' (page 118, Estimates) be refused."

The motion of the Hon'ble Mr. T. Emerson was then put and agreed to.

Loans and Advances.

The Hon'ble Mr. T. EMERSON: On the recommendation of His Excellency the Governor I move that a sum of Rs. 50,000 be granted for expenditure under the head "Loans and Advances".

The following motions were called but not moved:—

Maulvi MD. NURUL HUQ CHAUDHURY: "That the demand of Rs. 25,000 under the head 'Loans and Advances' for the proposed loan to the Barisal Municipality (page 120, Estimates), be refused."

Rai HARENDRANATH CHAUDHURI: "That the demand of Rs. 25,000 under the head 'Loans and Advances' for the proposed loan to the Barisal Municipality (page 120, Estimates), be reduced by Rs. 10,000."

Maulvi MD. NURUL HUQ CHAUDHURY and Rai HARENDRANATH CHAUDHURI: "That the demand of Rs. 25,000 for the proposed loan to the Krishnagar Municipality under 'Loans and Advances' (page 120, Estimates) be refused."

The motion of the Hon'ble Mr. T. Emerson was then put and agreed to.

Mr. PRESIDENT: The counting of votes for the Standing Committees will take place at 11-30 A.M., in the Committee Room, to-morrow. Any member who wishes to be present is welcome.

I have received a communication that His Excellency has been pleased to allow the Council to meet to-morrow for the transaction of non-official business.

Adjournment.

The Council was adjourned till 3 P.M., on Friday, the 21st August, 1925, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 21st August, 1925.

Present:

The Hon'ble the President (Kumar Shib Shekhareswar Ray) in the Chair, the four Hon'ble Members of the Executive Council and 109 nominated and elected members.

Starred Question

(to which oral answer was given).

Typists and Copyists.

***LX. Maulvi ABDUL QUADER:** (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that the greater number of typists and copyists of Courts in Bengal are not getting increased remuneration according to the prescribed rate mentioned in the High Court's General letter No. 8, dated the 23rd June, 1921?

(*b*) Will the Hon'ble the Member be pleased to state whether the increase in the value of a folio from 3 annas to 4 annas each was recommended by the Retrenchment Committee for the immediate relief of the copyists and typists?

(*c*) Is the Hon'ble the Member aware that the increase instead of enhancing their income has reduced their earning on account of deduction to the Contributory Provident Fund?

(*d*) Are the Government considering the desirability of organising them into a paid staff as early as possible in the light of the assurances given by the Hon'ble Sir Abd-ur-Rahim on 31st August, 1921, in reply to the resolution moved by Khan Bahadur Wasimuddin Ahmed regarding the fixity of pay of copyists and typists?

(*e*) Are the Government, pending the final decision of the case of copyists and typists, considering the desirability of passing orders without delay so that copyists and typists may be allowed to draw fees at 3 annas per folio of 4 aunas?

(*f*) Are the Government further aware that the United Provinces Government have fixed the salary of typists and copyists?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) No.

(*b*) The Retrenchment Committee recommended an increase of the copying fees by 25 per cent. on the ground that the pay of copyists and comparing clerks had been increased and that an additional charge for copying seemed justified.

(*c*) No.

(*d*) The answer is in the negative. No such assurance was given as suggested.

(*e*) The question is under consideration.

(*f*) No.

Unstarred Questions

(answers to which were laid on the table).

Anti-malarial Projects.

138. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Local Self-Government be pleased to state—

(*i*) how far the various anti-malarial projects have been carried out;

(*ii*) what progress has been made in the execution of the Nowi-Sunthi scheme; and

(*iii*) why the said scheme is not being completed?

MEMBER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia): (*i*) and (*ii*) The present position is as follows:—

Arool Bhil.—Is in operation: one small channel remains to be excavated to connect the Arool and Bookbhara bhils: the District Board, Jessore, have agreed to pay for this channel.

**Nowi-Sunthi.*—Most of the Nowi and Ichapore khals have been excavated: no work has been done on Sunthi: while as regards the Nowi and Ichapore khals about Rs. 39,000 is still required to complete a few minor bridges and to remove cross dams in the khals and to complete a few blocks of excavation: The District Board, 24-Parganas, have been asked whether they will pay for these works.

Jaboona II.—Land for some of the channels has been acquired and a small amount of work has been done on the branch channels: one new cut has been completed at the head of the Jaboona.

Amta.—The sluices at Uluberia and Mohisrekha were commenced and in the latter case the approach channel partially excavated and land for these works acquired.

(*iii*) The revised estimate for the Nowi-Sunthi scheme amounted to Rs. 11,17,678, Government originally gave a grant of Rs. 2 lakhs towards this scheme and the work proceeded without proper sanction. The total expenditure incurred on the Nowi and Ichapore khals amounts to Rs. 3,72,664. The District Board of 24-Parganas refused to proceed with the scheme under the New Agricultural and Sanitary Improvement Act, and it was pointed out by the law officers of Government that in view of the technical irregularities in the execution of the scheme the amount spent on the scheme could not be recovered from the persons benefited. Government accordingly decided to cut their losses, and further work on the scheme was stopped, the excess expenditure over and above the Government grant of Rs. 2 lakhs being met from provincial revenues. An attempt is now being made to complete the work on the Nowi and Ichapore khals at a cost of about Rs. 39,000. No work was done on the Sunthi part of the project.

Government pleaders at Alipore.

139. Mr. M. DAUD: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the names of the Government Pleaders and Assistant Government Pleaders in the district of the 24-Parganas;

(*ii*) the respective dates of their enrolment in that district as pleaders;

(*iii*) the names of other lawyers who assisted the Government Pleaders in conducting Government cases in the year 1924; and

(*iv*) the respective dates of their enrolment as pleaders in that district?

(*b*) How many of the pleaders referred to in (*a*) are Muhammadans?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the sums received by each of such Government Pleaders in the year 1924?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) Rai Kailas Chandra Bose Bahadur, Government Pleader. There are no other Government or Assistant Government Pleaders in the 24-Parganas.

(*ii*) 1884.

(*iii*) Babu Nares Chandra Mitra.

(*iv*) 1920.

(*b*) None.

(*c*) Rs. 400-14-9.

Employment of Muhammadan lawyers as public prosecutors and Government pleaders at Alipore.

140. Mr. M. DAUD: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state how many Muhammadan vakils and pleaders practise in the District Courts, both Civil and Criminal, of the 24-Parganas at Alipore?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing how many amongst the Muhammadan pleaders were engaged in 1924—

(*i*) to conduct criminal cases on behalf of the Crown;

(*ii*) civil cases on behalf of the Government;

(*iii*) their names; and

(*iv*) the sums received by each of them?

(*c*) Are the Government considering the desirability of adding more Muhammadan lawyers in the list of—

(*i*) Assistant Public Prosecutors; and

(*ii*) Assistant Government Pleaders?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) Ten.

(*b*) (*i*) One.

(*ii*) None.

(*iii*) Maulvi Gholam Ahmed.

(*iv*) Rs. 637-8.

(*c*) There are no Assistant Public Prosecutors nor Assistant Government Pleaders at Alipore. There is a panel of selected pleaders who are employed when necessary. The number on this panel was unnecessarily large and was recently reduced: the name of one Muhammadan was then included. When vacancies occur or necessity arises the claims of Muhammadan pleaders to representation proportionate to their numbers will be sympathetically considered.

Resolutions

(on matters of general public interest).

Formation of a Committee to revise certain Bengal Acts.

Babu TARAKNATH MUKERJEA: I beg to move that this Council recommends to the Government that a Committte consisting of at least six non-official and three official members of this Council be appointed to revise the Bengal Local Self-Government Act of 1885 (Bengal Act III of 1885) and the Bengal Village Self-Government Act, 1919 (Act V of 1919) and, if necessary, to prepare a draft Bill for the amendment of the said Acts for the consideration of this Council.

Sir, it is well known to at least some of us here who are connected with the workings of these two Acts that there are various defects in these two Acts. The Local Self-Government Act was passed so far back as in the year 1885 and since then circumstances of the self-governing bodies so formed under this Act have undergone very great changes. Besides various circulars have been issued by Government from time to time modifying the provisions of this Act to a very great extent, and this has made the Act a very complicated one, and in fact it has become very difficult to carry on the work under this very defective and very complicated Act. The Bengal Village Self-Government Act, V of 1919 is also not free from defects.

From my personal knowledge and experience, I can assure the House that one of the main causes why the workings of most of the union boards as formed under this Act, have not yet been proved successful, in most places, is due to the many defects in this Act.

In fact, under the present circumstances under this Act most of the union boards are nothing but merely tax-collecting bodies and in most cases their entire income is practically exhausted in paying the salaries and equipments of the dafadars and chowkidars, leaving hardly anything for other works of any public utility within the union. Then again, although the union boards meet the cost of the dafadars and chowkidars who are in fact really their servants, yet they have not full control over them. The union boards cannot dismiss or even reduce the salary of the chowkidars independently.

I do not like to waste the time of the House by citing the various defects in both these two Acts as it is well known to all who are at all connected with any self-governing body under these Acts.

I think it is high time that these Acts should be properly amended, so as to enable the self-governing bodies to carry on their works more smoothly and more satisfactorily.

I would have myself undertaken to introduce the amendment Bills to these two Acts, but as it required a thorough investigation and a very careful and cautious consideration to amend these two Acts, I think a suitable committee will serve the purpose better. I hope this resolution will be acceptable to the House and to Government.

SHAH SYED EMDADUL HAQ moved, by way of amendment, that to the motion of Babu Taraknath Mukerjea the following be added at the end, namely:—

"and that the said Committee do take into consideration, in this connection, the provisions of the Bengal Village Self-Government (Amendment) Bill, 1923, as introduced by Shah Syed Emdadul Haq on the 25th January, 1923."

He addressed the Council in Bengali. The English translation of which is as follows:—

There is urgent need for the Village Local Self-Government (Amendment) Bill. I introduced the subject in Council on the 25th January, 1923, and thereafter many opinions and suggestions with regard to the same reached us from various parts of Bengal. Nearly all public bodies recognised the necessity for the acceptance of the contents of the Bill. But every time the motion for referring the Bill to the Select Committee was defeated by a narrow majority. After that I framed another Bill on the same subject incorporating therein the more important matters and submitted it for introduction in Council and the motion for the introduction of the same was included in the agenda of business in the last session of Council, but the Bill could not be moved as the Council was prorogued on account of such disturbing factors as the ministers' salaries, etc. In this session also I gave timely notice of a motion for its introduction but the letter which was posted on the 8th and was due on the 10th, was delivered on the 13th July and the motion was consequently rejected.

So, in this circumstance, the present resolution has been moved. As our object is anyhow to serve the country, I move the motion No. 15A, standing in my name. If this resolution is accepted, none will deny, I think, that it is necessary that my Bill on the same subject and the other important papers in connection with it should also be examined and in that case I see no objection to the acceptance of my amendment. If the Swarajist members raise objection in spite of it, their opinion cannot certainly be regarded as free from partiality and for that reason I shall be compelled to vote against the original resolution although it is likely to be supported by the majority.

Babu SARAT CHANDRA BASU: Mr. President, I fully support the resolution which has been moved by my friend Babu Taraknath

Mukerjea. I need not go into any details, but need only mention to you that quite apart from the changes that are absolutely necessary there are certain things in the Bengal Local Self-Government Act that have kept the matter in a state of uncertainty. I can quote one or two examples. As the boards are constituted at present we know that on account of the practice that is in vogue, the board changes every three years after which a re-election takes place, but the matter of the change in these boards has been kept in such a state of uncertainty, that if the Government likes or, more properly speaking, if the local officers like, then they can get the board continue until the end of time. I can give you a concrete instance. Look at the District Board of Burdwan. The present members of the board have taken a permanent settlement of it. Six years have gone by and the board is still continuing. I need not tell you what reasons appeal to the public of Burdwan for the continuance of this board, but that is another matter. But the law as it stands is this. There is no hard and fast rule at present to change the board every three years. It depends upon the order of the local officers as to whether the board should be changed or not. Now one of the most curious things that has taken place in Burdwan is that although on account of the entreaties of the people and several applications that have been made, a re-election was ordered to be held after a period of six years, the full complement of members was elected, and objections against the re-elections were hardly heard, suddenly one fine morning we heard that Government had ordered the whole re-election to be set aside. Government stated that there had been a mistake; not only was a full complement of members elected, but more than that. Two extra members have been elected and the reason is that a notification was issued in the *Calcutta Gazette* over the signature of the Commissioner of the Division calling for the election; after that elections and re-elections took place. Now some member of the Bengal Government has discovered that there is a flaw in that, and the learned Commissioner—they have elected two extra members— has no authority to issue the notification in the *Calcutta Gazette*, because a motive has to be assigned. Of course motives are easy to assign, but here the motive that is generally assigned to the public is that the members elected are most of them Swarajists.

CHIEF SECRETARY to the GOVERNMENT (Mr. L. Birley): I rise to a point of order. May I suggest that this has nothing to do with the matter under discussion.

Mr. PRESIDENT: I think it has got something to do with the matter: he is quite in order.

Babu SARAT CHANDRA BASU: That is what the people think. It may be correct or not but this is one of the circumstances on account

of which the public think that this is the only reason that can possibly induce Government to set aside the election wholesale, and the reason is certainly to be wondered at. When a notification is issued by one Government authority, another Government authority thinks that the gentleman over whose signature the notification was issued was wrong. What I want to impress upon you, Sir, is this. The Act as it stands is very handy in the hands of the Government officers to deal with as they like; they state one thing to-day, and to-morrow tell the public they are wrong. You can very well understand that one full year has elapsed over these elections and re-elections, and I know from personal knowledge, that these elections not only cost a great deal of labour and time but they cost a great deal of expense to the gentlemen concerned. It may be asked who is going to bear the cost. If the Government officers make a mistake they should surely be responsible for the cost. Therefore what I mean to submit to you is that the law ought to be put in such a state that it would not be possible for the Government officers to do anything and everything they like to suit their convenience and fancy, and the exigencies of the occasion which they consider necessary in order to have control over the Board. It is for that reason I submit that the Act ought to be changed in such a way that there may not remain any loophole for executive officers of the province doing anything they like in the matter of these elections or the continuance of the existing boards. I need not refer to the various other things which are at present in force under these Acts. They are for the committee which has been proposed in the resolution to decide. I therefore submit that this matter ought to be taken in hand and supported by everyone of us in this Council whether official or non-official.

Rai HARENDRANATH CHAUDHURI: I rise to support the resolution moved by my friend Babu Taraknath Mukerjea. There can be no doubt that these two Acts require revision urgently. So far as the Local Self-Government Act is concerned, it is an Act which is 40 years old—old enough to require thorough revision. So far as the Bengal Village Self-Government Act is concerned no doubt it is a young Act but it is a ricketty child which does not satisfy the demand of growth.

For these reasons both these Acts require revision. What I cannot understand is this: that whenever any such Act requires revision Government bring forward in this Council an amending Act, but up till now Government have done absolutely nothing in that direction except to oppose non-official endeavours to revise these Acts. So far as the Local Self-Government Act is concerned as early as November 1922 my friend Rai Abinash Chandra Banerjee Bahadur tabled a resolution to the effect that those provisions of the Local Self-Government Act which require early and immediate revision should be amended and embodied in a Bill, and such an amending Bill should be immediately enacted. That resolution was moved in the absence of Rai Abinash Chandra Banerjee

Bahadur by Khan Bahadur Emaduddin Ahmed, and the then Minister in charge of the Local Self-Government Department, the late Sir Surendra Nath Banerjea, accepted that resolution. The resolution ran thus—

This Council recommends to the Government that early steps be taken to pass a short Act amending the Local Self-Government Act in respect of those of its provisions, the amendments of which experience has shown to the Government to be urgent and necessary.

In reply to that resolution Sir Surendra Nath Banerjea said—

I say at once that I, on behalf of Government, accept the resolution of Rai Abinash Chandra Banerjee Bahadur which has been moved by my friend the Chairman of the Rajshahi District Board. I have felt, and I have often expressed the view, that a short amending Act should be passed in order to vest in the district boards powers in regard to those urgent matters which experience has shown to be necessary. My friend has referred to some of those matters and I need not dwell upon them. We are, therefore, prepared to circularise the district boards at once and obtain their views with regard to those sections which they consider should be amended by a short Act. Having got their views Government propose to convene a conference of the Chairmen and representatives of district boards and of such members of this Council as feel interested in these questions.....I quite admit that the Act is old, obsolete and antiquated, and you may heap other terms of disparagement as you like. Government recognises that and is anxious to do what lies in its power. ....Therefore in order to afford early relief to the various district boards, Government propose to introduce a short Act after having obtained the views of the various district boards and after having convened a conference for the purpose of discussing them.

Not only that. Sir Surendra Nath Banerjea not only felt the urgent necessity of introducing a short amending Act, incorporating those amendments which would be deemed immediately necessary by the various local bodies and the Government, but he also went a step further. In July 1923 he assured this Council that not only an amending Act would be brought forward, but the Government would draft a comprehensive Bill to amend and consolidate the Local Self-Government Act. That was in replying to the motions for the second reading of the two non-official Bills to amend the Bengal Village Self-Governmnt Act, one of which my friend Lieut. Bejoy Prosad Singh Roy was the author and the other which my friend Shah Syed Emdadul Haq endeavoured to refer to a Select Committee. Sir Surendra Nath Banerjea then said—

We shall soon have the Local Self-Government Bill—a large comprehensive measure—which I hope we shall be in a position to draft next year—not the amending Bill which is of small consequence and which will come up very soon.

Here he promised to draft a comprehensive and a consolidating Act to be brought forward next year, but probably " next year " like " tomorrow " never comes.

Mr. PRESIDENT: That is your fault, you did not allow the Ministers to remain.

Rai HARENDRANATH CHAUDHURI: But the present executive Government may introduce this, it is not for the Ministers alone to do so. Those in charge of the administration of the erstwhile transferred departments, I think, can introduce these amending Bills. They cannot shirk their responsibility in this matter, and when non-official endeavours were made to amend these Bills, Sir Surendra Nath Banerjea challenged such attempts and said that Government, *i.e.*, the pre-Reformed Government, always originated these Bills, and had always initiated such measures. This, Sir, as regards the Local Self-Government Amending Act.

As regards the Village Self-Government Act, attempt after attempt has been made on this side of the House to introduce amending Bills, but all such attempts have been thwarted by the Government, even by the Reformed Government. As I have already said, two members in the last Council, Lieut. Bijoy Prosad Singh Roy and Shah Syed Emdadul Haq, attempted to introduced two Bills to amend the Bengal Village Self-Government Act. Those Bills were allowed to be introduced, but when the movers attempted to refer them to Select Committee, at that stage Government opposed them, with the assurance that although the Village Self-Government Act is a young Act, yet some of the provisions will come under consideration when the Local Self-Government Amending Bill is considered, because, as Sir Surendra Nath Banerjea said in connection with that Bill,

> The position and status of the union boards will be seriously affected. Will you have the local boards or not? If you don't have the local boards, the status of the union boards will have to be reconsidered next year; and the matter will have to be gone over again.

So it was considered that the Village Self-Government Act would also come under review.

One word more about the resolution. I do not know what reply the present Hon'ble Member in charge of this Department is going to make in answer to this motion, but we know his mind from his reply to the motion of Mr. Sayedul Hoque to refer his Bill to Select Committee the other day. He said a new amending and consolidating Act was very necessary and an experienced officer who would be on special duty next cold weather in connection with the Local Self-Government Act would be asked to examine the papers and advise Government as to the lines on which the Bill should be drafted. Now, Sir, all that I can say is that we cannot be satisfied with such a statement. We do not want that an amending Bill should be drafted simply on the lines suggested by the Government, or on the lines considered necessary by an experienced officer. After all the local bodies will be affected and so non-official co-operation should also be sought in connection with the drafting of these amending Bills. I think Government would be well-advised to accept the resolution of my friend Babu Taraknath Mukerjea, which proposes

that a committee of official and non-official members should be appointed to go into the whole question and draft, if necessary, comprehensive amending Bills.

Babu DEBI PROSAD KHAITAN: There is one point about this resolution which several members on this side of the House fail to understand, and we further fail to understand what sort of convention about these matters our friends on the other side wish to establish about the procedure to be followed in this House with regard to these measures. This resolution demands that the Government should appoint a committee consisting of 6 non-official and 3 official members to go into the question of revising the Bengal Local Self-Government Act of 1885 and the Bengal Village Self-Government Act of 1919. Only 2 or 3 days ago leave was asked for by another member of this House belonging to the same party as the mover of this resolution to introduce two Bills amending these two very Acts. When that leave was asked for, Government said that they were investigating into the matter. In spite of that undertaking given by the Government, leave was granted by the House to introduce these two amending Bills. I was one of the supporters of that motion for leave being given to introduce these two Bills. Now those two amending Bills have been introduced into this Council and are under the consideration of this House, and I believe that at the next session of the House a motion will be moved that the two Bills be referred to the Select Committee. We fail to understand, Sir, why the Select Committee to be appointed to consider these two amending Bills will not be able to go into the question which the committee sought to be appointed in pursuance of this resolution will be asked to go into. If there is an amending Bill of the nature that have been introduced and if again a committee is appointed to go into those very questions, the two methods seem to be rather irreconcilable from our point of view. I hope the hon'ble member who has moved this resolution will make the matter clear in order that we may be able to follow the procedure that he intends to follow and in order to reconcile the introduction of those two Bills with the moving of this resolution.

Babu BIJOY KRISHNA BOSE: In reply to what has been said by my friend Babu Debi Prosad Khaitan I have got one word to say. From the reply given by the Hon'ble Maharaja Kshaunish Chandra Ray Bahadur of Nadia, when my friend Maulvi Sayedul Hoque wanted to move his Bill, it appears that at the time when the reference to the Select Committee comes up for consideration before this Council, Government will oppose the reference. We gather from the Hon'ble Member's reply that Government will appoint a special officer to go into these papers in order to introduce a Bill of the nature which circumstances may demand. As a member of the District Board of the 24-Parganas, I know that the Local Self-Government Act of 1885 is

unworkable in many instances. I will only give two instances. Look at these motor buses which are running over several roads of the 24-Parganas district. We cannot stop them and the roads are being badly damaged being broken up by the solid tyres of these motor buses. Several companies are running these buses, each having a large number of buses, and the district board has no authority whatsoever to stop the running of these buses or to control the use of the same. Undoubtedly I for one am in favour of these motor buses, because they bring convenience and comforts to the people in the interior, but at the same time the district and local board roads have to be maintained and looked after and they have not got the money necessary for the maintenance and upkeep of these roads. Then take the case of clearing the jungles and the water-hyacinth which has intruded into the interior. There is no provision in the Bengal Local Self-Government Act by which we can compel the owners of tanks and *dobas* to clear them of water-hyacinth and clear the jungles. We cannot do anything although we can issue notices, but there is no provision in the law by which we can compel the owners to clear the tanks of these particular kinds of pests. Therefore it is time that this Act, which is 40 years old, ought to be revised now. I am not sure if the Bill introduced by my friend Maulvi Sayed-ul Hoque will be referred to a Select Committee, but in the meantime if this resolution is accepted and a committee of 6 non-official members who are connected with the district boards of Bengal and Mr. Goode and another official who might be a specialist whom the Government may want to appoint and presided over by the Maharaja be formed and go through all the papers and reports on the subject, I am quite sure that they will be able to introduce a better draft Bill than a Bill which might be introduced at the instance of one gentleman who may be appointed by Government to look into these papers. I do not think there is anything in the resolution which could scare away any member of this House. Certainly a committee of 9 gentlemen, to go through all the papers which the Government have, would be able to prepare a better draft Bill than a single gentleman. There can be no doubt and on the admission of Sir Surendra Nath Banerjea and other officers of Government that these Bills, at any rate one of them, namely, the Bengal Local Self-Government Act of 1885, requires amendment. If that is so, what is the harm in appointing a committee of 9 gentlemen?

Maulvi MD. NURUL HUQ CHAUDHURY: Sir, I wholeheartedly give my support to the resolution moved by my friend, Mr. Mukerjea In this connection I would like to refer to the recent happenings in the district board election of Noakhali which are, I understand, now under the consideration of the Hon'ble Maharaja Bahadur of Nadia. Sir, the officials with the aid of the Government Pleader, who is a creature of the District Magistrate, set at naught the election of the District Board of Noakhali and I will tell you what an unreasonable

view the District Magistrate of Noakhali has taken of the matter. Three local board meetings were convened for the purpose of electing members to the district board. According to law the quorum should consist of ten members, but the Government members conspired with the Chairman of the district board, so that there might not be a quorum and the meeting might fail and the power of nomination of members to the district board might go to the hands of the Government, so that Government might elect any member they liked and the board might become a Government board and not a popular and public board.

Mr. S. W. GOODE: I rise on a point of order. Has the hon'ble member any foundation to make such allegations against Government officials?

Mr. PRESIDENT: Have you any foundation for such allegations?

Maulvi Md. NURUL HUQ CHAUDHURY: Yes, Sir, one of the Circle Officers by the name of Fauzul Azim, attended the meeting of the local board election, when ten members were present, but suddenly left the meeting without the knowledge of the Chairman and after sometime came back to the hall. Sir, on this very technical ground that there were 9 members and not 10 members present the Magistrate issued a fiat that the district board election was illegal and immediately nominated members whom he liked—members who would support the Government in any and every measure—and sent the nomination of those members only to the Commissioner of the Chittagong Division. The Commissioner of the Chittagong Division has recommended to Government that the nominations of the District Magistrate of Noakhali should be accepted. I do not know what has happened afterwards, but I believe, it is now under the consideration of Government. The other day I gave notice of an amendment to the Local Self-Government Bill to the effect that ⅔ths of the members should be elected and not 2/3rds. This would have a very salutary effect, as all these members would be coming to the board with the idea of serving the board; whereas in the other case Government could take away any number of their nominated members and make the meeting fail owing to want of a quorum. At the same time, Sir, the quorum is very high; out of a total number of 18 the quorum ought not to be 10 as in the case of the Noakhali Sadar Local Board. Sir, these are some of the tit-bits which are in the Act and go to the very root of popular control. Government is therefore anxious that we must take advantage of the Acts which are in force, so that we may make ourselves fit for governing ourselves.

Mr. A. C. BANERJEE: Are we not fit for it now?

Maulvi MD. NURUL HUQ CHAUDHURY: They say we are not, but I say we are quite fit. I think the Bureaucratic Government should have no power or control over these boards and let the people do whatever they like. There might be some sort of control exercised by Government not in the way of election or nomination, but in the framing of such rules as would ensure the funds of the board being applied to the proper channels. From 1885 to 1925 there has been a great upheaval in the world but the Act of 1885 is going as strong as ever. I believe Mr. Basu said that the District Board of Burdwan is going on as strong as ever for the last 6 years——

Mr. PRESIDENT: You need not go into that, we have already heard that.

Maulvi MD. NURUL HUQ CHAUDHURY: The Act is a very old decrepit Act and should be turned down as Lord Tennyson said "The old order changeth yielding place to new". I hope the Maharaja would see his way to accept this resolution.

Maulvi KADER BAKSH: My friend Babu Bejoy Krishna Bose has said that the district boards have not been given power to levy any tax on vehicles for using their roads. Now, Sir, there is another danger which is caused by the railway authorities by constructing new roads indiscriminately and openings of bridges in such a way as not to allow sufficient space for the passage of water. This has a most painful effect on the people living in the area. These narrow openings of culverts always check the passage of water and cause the area on one side of the bridge to be inundated while they affect the other side by causing scarcity of water and also affects sanitary condition. I may mention one instance of which I have experience. In Dinajpur district the Kanchana river flows just near the town. The railway authorities gagged 3 or 4 openings of the railway bridge some years ago and the result is that there have been three inundations year after year and throughout the whole area covering about 16 miles there was a partial failure of crop causing great sufferings to the people. I would therefore ask that the district board should be given such power that they can compel the railway authorities to consult them when the latter constructs a new road or a bridge.

The Hon'ble Maharaja KSHAUNISH CHANDRA RAY Bahadur, of Nadia: Sir, in the first place, I would ask your permission to wander a little away from the resolution, because my friend Mr. S. C. Basu has pointed out certain technicalities which have lately arisen in connection with the Burdwan District Board. Although that does not affect the present resolution, I think some explanation is necessary from me. I made inquiries into the matter and I found that two

extra members had actually got in. This was undoubtedly very unsatisfactory. In the second place, he has imputed certain motives to the Government—he has said that some members of Government had some hand in the matter. I do not know what he means by "members of Government", because I understand "members of Government" ordinarily to mean "the Members of the Executive Council". I do not know whether he means that a Member of the Executive Council had any hand in the matter. I do not think he means that; but what he means, I presume, is that the local officers had something to do with it. However, we are making inquiries into the matter. I have asked for an explanation from the District Officer as well as from the Commissioner; and as soon as I get their explanations I shall take necessary steps in the matter. He is far from correct when he says that simply to avoid Swarajists coming on to the board Government had done that. I strongly challenge and repudiate that view and I may state that this election has been set aside only on the opinion of the legal advisors of the Government.

Then, my friend, Rai Harendranath Chaudhuri, has raised the question of union boards. In referring to the Village Self-Government Act, he says that Government has always thwarted any attempt to amend that Act. I want to draw his attention to one case—at any rate, *viz.*, Shah Syed Emdadul Haq's Bill. In that case the House summarily rejected the Shah Sahib's motion for introduction even without the views of Government being placed before the House. He has also referred to the promise which was put forward by the late Sir Surendra Nath Banerjea in connection with the amendment of the Local Self-Government Act. But as promised by Sir Surendra Nath Banerjea, Government did circularize all the district boards on the subject of a short Bill amending the Local Self-Government Act. The Bill was considered at the annual District Board Conference and actually introduced into the Legislative Council. If this Bill got no farther, the reason is that the atmosphere of this Chamber was not very congenial to legislation in regard to Transferred Subjects.

My friend Maulvi Md. Nurul Huq Chaudhury has made a reference to the Noakhali District Board election and attributes that some of the irregularities that occurred there are due to defects in the Act. He suggests that Government, through its local officers, caused some irregularities to be committed for the purpose of appointing its own nominees. It is certainly a travesty of facts. I can state that Government had no knowledge of irregularities and that Government are reluctant to set aside any election. In this case Government decided to set aside the election only on the very clear and definite opinion of its legal advisors.

Now, I come to the resolution moved by my friend Babu Taraknath Mukerjea. This resolution is not a new one. Notice of resolutions in almost similar terms was given at different times by Shah Syed

Emdadul Haq, Rai Harendranath Chaudhuri, Mr. S. C. Mukerji and Babu Bishmadev Das. The question was debated in the Council in November 1922 on Babu Bishmadev Das and Shah Syed Emdadul Haq's resolutions. The late Sir Surendra Nath Banerjea in replying for Government agreed that the amendment of the Local Self-Government Act was desirable. He pointed out, however, that the question of the Village Self-Government Act was on a somewhat different footing and that there was evidently a division of opinion in the Legislative Council as to the immediate urgency of its amendment. He promised to consult the district boards so as to obtain their views regarding the amendment which might be necessary in the Local Self-Government Act. The resolution was ultimately withdrawn.

Subsequently the amendment of the Local Self-Government Act was discussed at the District Board Conference held in March, 1923, when rough proposals for legislation which had been prepared by Government were considered. As a result, a short amending Bill was drafted and introduced into the Legislative Council in 1923. No further steps were, however, taken with the Bill when the Legislative Council was re-constituted.

For the reasons I have already stated the Bill prepared by Government included certain amendments which were regarded as urgent, such as, power to tax motor vehicles. This point has been raised by some of the previous speakers to-day. Power was also taken to impose a tax on *mélas* and fairs and to regulate private markets. It was proposed that the district boards should be authorized to grant loans to union boards, to establish scholarships for the furtherance of primary education and to invest their surplus funds in the Imperial Bank or other banks approved by the Local Government. It was provided, moreover, that tolls might be levied in the case of a bridge which had cost only Rs. 5,000, whereas under the present Act the minimum limit is a cost of Rs. 10,000.

It will appear that the Bill was fragmentary in rectifying or making good merely a few defects or omissions in the present law. Government were busy with the Calcutta Municipal Bill and were not in a position to undertake a large measure amending and consolidating the law of local self-government. I agree, however, that the repeal of the present Local Self-Government Act and its replacement by a statute more in accordance with the modern requirements of local bodies is very necessary. The Bill which Government introduced in 1923 made no attempt to overhaul the machinery of local self-government, although it is a common view that the present gradation of authorities—union boards, local boards and district boards—requires to be re-examined. The District Board Conference of 1923 was, on

the whole, of opinion that local boards should be abolished as being, so to speak, an unnecessary fifth-wheel to the local self-government coach. On the other hand, the members of many local boards object in no uncertain voice to their own abolition.

Again, the Bill of 1923 made no attempt to examine or define the relations which should exist between Government and the local bodies, *e.g.*, whether the elective system should be extended and what measure of control by the central authority should still be retained.

Again, public health has become a subject of much greater importance than it was in 1885, and it is very desirable to incorporate in an amending Bill more elaborate provisions for securing the sanitation of a district. Except for the proposal to license private markets and to take some statutory powers to secure the safety, convenience and health of persons frequenting *mélas*, fairs, etc., the Bill of 1923 did not touch on this important topic.

Government have long recognized that it is desirable to undertake the amendment of the Local Self-Government Act as a whole or in other words to replace it by a more modern statute. It has now been decided that a senior Collector, who has had great experience in local self-government, should inquire into the whole matter in the coming cold weather and report to Government on what lines, in his opinion, the amendment of the Act should proceed. On receiving his report, Government propose to have a consolidating Bill drafted with the object of repealing the present Local Self-Government Act and replacing it by something better.

In these circumstances, I do not think that any useful purpose would be served by the appointment of a committee to advise Government on the subject at present. I may state that legislation for the purpose of regulating important basic matters in the sphere of local self-government such as, for example, determining the constitution of the local bodies, should obviously be initiated by Government, and any such Bill as laid before the Legislative Council should represent the considered policy of Government rather than the views of a committee. When the Bill has been drafted, it will come before the District Board Conference and after its introduction into Council the Legislative Council will subsequently have an opportunity in Select Committee to criticise the Bill. But, in the circumstances I have stated, and in view of the materials we possess, I do not think any useful result will be gained by the appointment of a committee such as the mover suggests at this stage.

As regards the Village Self-Government Act, the case of the mover is, I am afraid, much weaker. This Act has only been in force for six years and has been in actual operation for a much shorter time. It has not yet been extended to the whole of Bengal, and the union

boards which have been created with this Act as their charter, are still in the experimental stage. Various proposals have come before this House in the course of the last two or three years for the amendment of this Act and at the present session a private Bill, which aims at some relaxation of official control, has been introduced. Government are proceeding in a cautious and tentative manner to increase the number of union boards having hitherto been hampered in this direction by the lack of Circle Officers. It is, in my opinion, premature to undertake the revision of the Bill as a whole. There may be minor defects, and several members of this House on previous occasions have wished to curtail the official control which the Act provides. But Government were of opinion that no good case had yet been made out for revising the groundwork of the Act, and I do not think that any useful object would be gained by the appointment of a committee to advise Government on the amendment of an Act which was so recently passed.

In these circumstances, I hope, the mover will withdraw this resolution.

Babu TARAKNATH MUKERJEA: Sir, in reply to my friend Mr. Khaitan I have to say in the first place that we have got no assurance from the Hon'ble Member in charge of the Department that Mr. Sayedul Hoque's Bill will not be opposed by him at the second reading. Rai Harendranath Chaudhuri's Bill to amend the Village Self-Government (Amendment) Bill, I understand, is a short Bill to amend only one or two provisions of the Act, in veiw of the recent amendments of certain sections of the Chaukidari Act. I am afraid Mr. Khaitan has neither carefully heard the Hon'ble Maharaja's speech in reply to Mr. Sayedul Hoque nor I think he has any knowledge of the Bill of Rai Harendranath Chaudhuri.

My esteemed friend Babu Sarat Chandra Basu may be correct or incorrect in drawing his inferences, but the Maharaja has not been able at all to meet his points nor those of Rai Harendranath Chaudhuri. As regards the Bengal Village Self-Government Act, I think that one of the main reasons why its introduction in some of the districts have been objected to is because of the many defects in this Act. Now that the atmosphere in this Council has improved from the Government point of view I hope the Government will not further sleep over the matter.

The amendment of Shah Syed Emdadul Huq to the resolution of Babu Taraknath Mukerjea was then put and lost.

The motion of Babu Taraknath Mukerjea was then put.

Mr. PRESIDENT: I think the Ayes have it.

Rai Harendranath Chaudhuri claimed a division.

Rai HARENDRANATH CHAUDHURI: Sir, may I offer a personal explanation. I called for a division under a misapprehension and therefore if you do not permit me to withdraw that motion asking for a division then I ask for leave to vote in the Aye lobby.

Mr. PRESIDENT: In the ordinary circumstances that would have been improper as I declared that I thought the Ayes have it, but as you admit your mistake I allow you to do so.

A division was accordingly taken with the following result:—

AYES—57.

Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Baksh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra
Chakravarti, Mr. Byomkes.
Chakravorty, Babu Sudarsan.
Chatterjee, Babu Umes Chandra.
Chaudhuri, Maulvi Saiyed Abdur Rob
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nu-ul Huq.
Chowdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mahini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Beroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Rasehid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Mahammad, Maulvi Bazar.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mukerjea, Babu Taraknath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohon.
Fahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Naliniranjan.
Suhrawardy, Dr. A.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

NOES—47.

Addams-Williams, Mr. C.
Addy, Babu Amulya Dhone.
Aley, Khan Bahadur S. Mahboob.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Birley, Mr. L.
Browne, Mr. P. N.
Campbell, Mr. K.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Das, Babu Charu Chandra.
De, Mr. K. C.
Dey, Mr. S. S.
Dass, Rai Bahadur Pyari Lal
Dutt, Mr. S. S.
Emerson, the Hon'ble Mr. T.
Ferequi, Khan Bahadur K. S. M.
Forrester, Mr. J. Campbell.
Ghuznavi Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Guha, Mr. P. N.
Haq, Khan Bahadur Kazi Zahirul.
Haq, Shah Syed Emdadul.
Hopkyns, Mr. W. S.
Hossain, Khan Bahadur Maulvi Musharrul.
James, Mr. F. E.
Jennaway, Mr. J. H.
Khaitan, Babu Debi Prosad.
Liddell, Mr. H. C.
Lindsay, Mr. J. M.
Mitter, Sir Provash Chunder.
Morons, Dr. M. W. S.
Oaten, Mr. E. F.
Parrett, Mr. P.
Rahim, the Hon'ble Sir Abdur.

Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Maharaja Bahadur Kshanish Chandra, of Nadia.
Ray Chaudhuri, Mr. K. C.
Roy, Mr. S. N.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilal Singh.
Salam, Khan Bahadur Maulvi Abdus.
Sarkar, Maulvi Allah Bukhsh.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 57 and the Noes 47 the motion was carried.

Exemption of theatres and cinemas from amusements tax.

Mr. F. E. JAMES: I beg to move that this Council recommends to the Government that action be taken under sub-section (2) of section 8 of the Bengal Amusements Tax Act, 1922, to exempt theatres and cinemas from liability to the entertainments tax.

Maulvi NAJMUDDIN AHMED: In supporting this resolution I request the House to consider for a moment whether it is a matter of imperative necessity or not.

There is no denying the fact that the introduction of the Entertainment Tax in Bengal has caused a heavy loss to the proprietors of theatres and cinemas. I believe every member of this House is aware that the Empire Theatre and the Picture House were flourishing concerns. You will be astonished to hear that the Picture House had been closed on account of heavy loss about two years ago. The Empire Theatre is struggling for existence. It had to close down the bioscope shows. In the half year ended 31st March, 1922, when the Act was not in force it made a profit of about forty thousand rupees. But in the corresponding half year of 1922-23 when the Act was in operation its net profits were reduced to nil.

I will dwell no more on the loss sustained by the proprietors of theatres and cinemas, but I will invite the attention of the House to the irreparable loss caused by this Entertainment Tax to the people in general irrespective of caste or creed. The Act has shut the door against the moral teachings imparted by the great thinkers of the past in the most effective ways through the cinema shows and theatrical performances, it is a most elementary truth that example is better than precept. You may read Hamlet and Othello, but almost all the impressions will vanish no sooner than the book is closed. But your mind is sure to be indelibly stamped upon when you see in a theatre or bioscope, before your eyes how the Prince of Denmark succeeded in his attempt to wreak vengeance on the wrong doer or how the fair Desdemona, an embodiment of innocence and purity, was stifled by the grim jealousy of Othello.

One word more and I have finished. We, the people of Bengal, have had an opportunity of witnessing the magnificent procession

connected with the cremation ceremony of the late Deshbandhu C. R. Das of revered memory. I ask you all to pause for a moment to consider whether the very scene you have witnessed could be witnessed in any other part of the world except through cinema shows. If not, is it fair and just that we the people of Bengal should be deprived of the advantages of witnessing important scenes and events that occurred in the past.

It is needless to point out that the proprietors of theatres and cinemas pay nothing out of their own income. They have adopted means of realizing the tax in addition to the usual price of tickets. This has caused a great reduction in the number of visitors who have thereby been deprived of the past teachings, moral, social and historical.

In the interest of the proprietors of theatres and cinemas who have been suffering heavy loss since the introduction of the Entertainment Tax and in the interest of the public who have lost the opportunity of being benefited by the teachings of the past imparted to them in the most effective ways through the cinema shows and theatrical performances, I appeal to the House to accept the resolution and thereby discharge the trust reposed in them.

Mr. J. CAMPBELL FORRESTER: I have great pleasure in supporting the above resolution. This resolution is the same as I brought before this House on the 26th of August, 1924. On that occasion there was some misunderstanding in the House and it was lost. I am more hopeful to-day because I feel that the House is now well acquainted with the subject and I also feel that they have been brought to see the dire distress that this tax has caused to the cinemas and theatres. I presume that it is generally known, at least to the old members of the House, that at the time of the introduction of this tax I opposed it or that part of it which refers to cinemas and theatres. The question of the betting tax I leave to the Calcutta Turf Club which is capable of looking after itself. When the Hon'ble Member replies to me he will probably inform me that the betting tax has decreased and the cinema and theatre tax has increased. If that be the case I can only say that according to the laws of England betting is considered detrimental to good citizenship therefore if this tax is the means of gradually stopping betting, logically it is all the better for the citizens. I can only say that the more payment is extracted from cinemas and theatres the quicker they will be driven to destruction. I remember that when His Excellency Sir John Kerr (then Finance Member of this Government) brought the Bengal Amusements Tax Bill before this House he said—

> It is even more difficult to make any estimate about the Amusements Tax because it is entirely a new thing in Bengal, but from such information as we can get regarding the seating capacity of places of entertainment in Calcutta, we think we might get from this source a sum of between rupees 12 and 15 lakhs a year, we should get about the same from the betting tax.

Well, Sir, it is quite evident that His Excellency was no true prophet, as I understand that the tax realised comes to under 2 lakhs of rupees: He further recognised as he stated that the imposition of this tax would mean some hardship on those who were called upon to pay the tax. Why Sir, it has not only brought hardship it has brought ruination and at the present time is likely to drive the artistes out of Calcutta.

Let me refresh the memory of this House with some of the facts I gave them last year of the terrible financial straits these theatres and cinemas have been brought to. I will give you a few cases from my last speech on this subject from the Council Proceedings of 14th March, 1924.

Empire Theatre—Half-year ended 31st March, 1922.—Profit Rs. 30,922-4-1. No tax.

Half-year ended 31st March, 1923.—Profit Nil. Tax Rs. 72,000. Had there been no tax, they might have shown a profit of Rs. 20,000.

Grand Opera House.—Business changed hands six months after the Act came into force because it could not pay.

Owing to heavy loss it has had to be closed down since.

But, Sir, do not let it be thought that I am only interested in European cinemas. That is by no means the case. Indian cinemas and theatres have been as badly hit, in many cases they are much worse off.

Parsee Elphinstone Dramatic Co. (M. T. Ltd.).—Working at Corinthian Theatre at a loss—Rs. 1,245 from 1st January, 1923, to 30th June, 1923.

Alfred Theatrical Co. (M. T. Ltd.).—Over 100 artists disbanded on 1st of March, 1923, owing to loss from 1st November, 1922, to 30th June, 1923.

The Bengalee Theatrical Co. (M. T. Ltd.), consisting of over 80 artists was closed down from 31st August, 1923, owing to loss from 1st January, 1923, to 30th June, 1923, in spite of their utilising the sceneries and dresses of the disbanded Alfred Theatre Co. If the Bengalee Theatrical Co. had to be equipped afresh with new sceneries and dresses the loss would have been enormous.

These are appalling conditions that the cinemas and theatres have come to. I do not wish to occupy the time of the House unnecessarily but would refer them to the Council Proceedings of 14th March, 1924, pages 119 and 120, for the details of losses to entertainments.

Let me read you a statement in the Bandmann Varieties Report in which they have a loss of Rs. 1,25,224—from 31st March, 1924, to 30th September, 1924 :—

The principal reason for the loss in working is the Entertainment Tax, and it affects not only upon the Theatre itself but upon the receipts of the touring companies. This has been so serious that for practically the whole of the hot weather of 1924 theatrical business was at a standstill. We are still persisting in our efforts to secure the complete remission of the Tax which has now practically wiped out the capital of the Company.

The position is still discouraging, but after reviewing the situation with the Auditors, the Directors are still of opinion that if we can tide over the present depression and secure remission of the Tax the position of the Company may again become satisfactory.

This is a pathetic, but courageous statement, and that should cause the House to vote for my resolution and remember the Government has collected from this gallant but struggling adventure Rs. 2,23,599-12.

Here is a glaring illustration of the terrible hardships endured by the houses of entertainments. I here give the three greatest attractions of the year 1924 :—

		Theatre's receipts.	Paid Tax.
		Rs.	Rs.
Harry Lauder (3 weeks)	...	14,159 (out of this their expenses are about Rs. 300 daily.)	13,385
Lee White (4 weeks)	..	15,861	11,146
Italian Opera (4 weeks)	...	15,387	11,688

The result of this loss being that other companies are afraid to come to Calcutta in case they also lose money.

These large sums may account for a slight increase in the revenue this year. Probably, the Government will say that the revenue from this source is increasing, well if they say so I cannot dispute it, but would say that the more the Government makes out of these entertainments the sooner they will be driven to destruction.

Theatrical concerns are experiencing great difficulty in inducing theatrical companies to come to India as the tax also lessens their income and they are compelled to allow the companies a large percentage of the takings to get them to come out. There are only two *pucca* professional companies that have come to Calcutta since March, 1925, and both did so because they were on their way to or from the Far East. They have had to keep the theatres going with amateur

shows or pictures. The former seldom pay and the latter mean a heavy loss as the Empire Theatre has no regular cinema following and the overhead expenses of the Theatre are too heavy to enable them to work on prices from Rs. 3 to Rs. 4 like other cinemas.

During the present hot weather they have practically been compelled to run picture shows for 7 weeks throwing the staff out of employment.

Theatrical companies will not come to India during the hot and rainy season because it is not a proposition on account of the tax. Before the institution of the tax small companies did come out between April and October now they will not do so. As regards the largest cinema proprietors in India this is the fourth year in succession in which they have worked at a loss chiefly on account of the tax. There is a demand by the public at the present time for a better type of entertainment and better picture shows but the present position does not permit this. The Hon'ble Member, Mr. Emerson, has practical experience of the working of the tax. He ran a wonderful exhibition but to make it something of a success he was fortunate enough to obtain exemption from the entertainment tax. I understand this tax was only imposed because of the great financial urgency of Bengal. In fact it was an emergency tax. Things are financially brighter now in Bengal and I hope the Hon'ble Member, who is by no means a "Kill-Joy", will try to get it remitted. Some may say that this is a luxury tax, that is not so it is a tax that is interfering with the amusements of the poor people who have no clubs to go to. Sir, are you going to deprive the poor people of the amusements they are entitled to? If you are going to shut down these innocent places of entertainments you will drive these people into other avenues for amusement which may be of a kind that will not help to make good citizens. I would therefore appeal to this House to vote for my resolution. I would ask you not to strangle the amusements of the people and ruin this struggling infant industry and incidentally causing further hardships in the way of unemployment.

Babu NALINIRANJAN SARKER: Many different roads sometimes lead to the same goal and in rising to support this motion, I must make it clear at the outset that the consideration which move me thereto are entirely different from those advanced by my friend Najmuddin. Nor though seeking the same objective, can I endorse the arguments advanced by him. In a poverty-ridden land where the merciless hand of taxation is not ashamed to exact a tax on such a vital necessity as salt. Those of more fortunate classes who can afford to pay for the luxury of amusement ought not to grudge their due share of the burden of taxation. I ask you, Sir, what good do we get by making additions to the well-filled coffers of an alien government? Does not that almost invariably result in the release of funds which

go to cater for the all-devouring demands of the Lee Commission thereby putting more weights on notoriously top-heavy administration? The real beneficiaries of such taxes are the minions of the Bureaucracy and not the poor millions for whose well-being they profess to be the trustees. Taxation or no taxation, deficit or surplus, their condition remains the same as the Bengali adage goes "*Shalgramer shoa basha dui saman*" sitting or lying down is all the same for the deity of Saligram. The past history of the Bill levying this tax in this very Council Chamber, with elusive held out in the prologue, and broken vows and bitter disappointments in the sequel, will only confirm my apprehensions.

When the Amusement Tax Bill was first introduced in the Council, the then Finance Member, the Hon'ble Mr. Kerr, definitely assured us that the proceeds of these taxes would be utilised, firstly, for meeting the temporary bed-rock deficit with which the Government was then faced and that with any surplus which might result from this taxation, a sound loan policy would be inaugurated for undertaking useful and beneficial schemes.

This is what he said—

We regard the allocation of the proceeds of the new taxation to the meeting of our deficit as a purely temporary expedient pending further relief, on receipt of which the new revenue raised would become available for the schemes of educational and sanitary and medical progress.

Lord Ronalshay also made a similar promise in the previous year. This is what he said—

Our position is this, that if, to meet the immediate emergency with which we are faced, we are prepared to raise fresh revenue and to devote it to meeting our existing deficit, we do so still maintaining that we have a moral claim to further relief, and in that view, we regard the allocation of the proceeds of new taxation to the meeting of our deficit as a purely temporary expedient pending further relief, on receipt of which the new revenue raised would become available for those schemes of education and sanitary and medical progress which, I am sure, the Council as much as the Hon'ble Ministers, who are charged with them, so earnestly desire to see taken in hand.

This promise was also quoted by the Hon'ble Mr. Kerr in his speech. In his preroration Mr. Kerr waxed sentimental in referring to the bitter after-regrets which would be the lot of those who refused to pass his Bill. But by a strange irony of fate, these bitter regrets are now the portion of those who helped its passing. Even Mr. Surendra Nath Mullick—of course before his elevation to the Ministerial *guddi*—apprehended that these hopes and promises would not be fulfilled and he opposed this additional taxation. This is what he said—

The country as a whole has lost much of the confidence in the Government, and consequently the people are disposed to look to these proposals with considerable distrust. Owing to the Government persisting in its career of unjustifiable repressions in spite of repeated requests to the contrary, the people

of the country, naturally and legitimately, apprehend that much of the new expected income of over Rs. 1½ crores will be devoted by the Government for carrying on the repressions more effectively and to their heart's content. The people, therefore, are opposed to strengthen the rods which are meant to be broken on their backs, and to extend the jails meant for their unwarantable captivity; and I am one of those people.

Are his apprehensions at length about to prove prophetic?

In conclusion, Sir, our attitude in supporting the motion is to save Government any further occasions to make scraps of paper with their pledges and to use every little bulge in their purse for the benefit of the heaven-born service only, while the crying needs of our dying millions are so outrageously flouted. Let no illusion exist in the public mind as to the fate of the copper that is whipped out of the poor man's loin cloth, or the gold that is wheedled from the lucky pleasure-lovers or race-goers. Their only destination is the insatiable maw of that pernicious machine which ever seeks to make its steel frame stiffer and stiffer; and any hope that these extra monies will ever find a way to do any real good to the people "as we understand" is bound to be disappointed.

[At this stage the Council was adjourned for 10 minutes.]

[After the adjournment.]

Maulvi MD. ABDUL JABBAR PAHLOWAN: I would have opposed this resolution in view of the fact that this tax has gone a considerable way in relieving the distress of the poor peasants of Bengal. When the Bengal Amusements Tax Act was passed, two other Acts, *viz.*, the Bengal Stamp Act and the Bengal Court Fees Act, were also passed. If exemptions are allowed in the case of the Amusements Tax, I think Government will be morally bound to allow similar exemptions in the case of the Stamp and Court-fees. Therefore, in the hope of securing the minimum amount of loss with the maximum amount of gain to the poor peasants, I support the resolution.

Mr. K. C. RAY CHAUDHURI: Sir, I rise to support this resolution. From the facts and figures given by Mr. Campbell Forrester one must come to the conclusion that the theatrical business including of course the cinemas is not paying and the tax has brought about the ruin of many a theatrical ventures, *e.g.*, the Bengali Theatrical Company of Madans. Let me give you some facts and figures about Bengali theatres in the Beadon Street and Cornwallis Street areas. Babu Monmohan Pandey, the well known theatre magnet and the owner of Monmohan Theatre, had to wind up his business only recently after 20 years run and had to let the theatre out to that well known dramatist and actor, Prof. S. K. Bhaduri, M.A. His "Sita" had a

run of more than 100 nights and drawn good houses but financially he has suffered heavy losses. Take the case of Babu Aparesh Ch. Mukherjee, who had been the lessee of the Star Theatre, but he was obliged to convert the company into a limited concern known as the Art Theatre Ltd. He staged "Karnarjuna" more than 200 nights and the house was almost invariably full. The Company unfortunately had not been able to pay any dividends. The Minerva Theatre, which almost created a sensation the other day by staging "Atmadarshan", one of the finest psychological plays ever staged on a Bengali theatre, has lost very heavily in the past.

The Alfred Theatre, one of the best stages in Calcutta, is vacant and the Corinthean Theatre stages only occasional plays. In my humble opinion the tax on Bengali theatres is a tax on India art and this tax on theatres alone does not bring in even a lakh of rupees a year. I appeal to the Hon'ble Member in charge to use his discretion under sub-section (2) of section 8 of the Bengal Amusements Tax Act and exempt legitimate stages, namely, theatres from the liability of the entertainment tax.

In my humble opinion the removal of this burden of one lakh of rupees will be more than compensated by taxing visitors to football matches. From what I have seen in the maidan the matches have diverted theatrical attraction and the gate money is enriching the pockets of a few individuals. The attraction of football matches is so great that many a profiteer made money by reselling tickets. I have seen some Marwari gentlemen reselling tickets they purchased——

Babu DEBI PROSAD KHAITAN: I question this. Can he name any gentleman?

Mr. PRESIDENT: Mr. Ray Chaudhuri, please withdraw it.

Mr. K. C. RAY CHAUDHURI: I withdraw it.

I am sure, match-goers will not grudge an anna or two as amusement tax and the money raised from that source will relieve the burden which is killing Indian dramas.

I appeal once more to the Member in charge to look into this question carefully and use his discretion under section 8 and impose a tax on football-goers and relieve theatre-goers and the theatrical companies.

Babu KHAGENDRA NATH GANGULY: Sir, permit me to say at the outset that a supporter of these motions has got to face a large volume of public opinion that is hostile to these motions on sentimental grounds. In fact, many people are under the impression that this

attempt to exempt theatres and and cinemas from liability to the entertainment tax is merely an attempt on the part of interested members of the Council to secure immunity of taxation in respect of certain places of amusement and the benefit of which immunity will be enjoyed by a few rich proprietors of those concerns. It is our duty, therefore, to disabuse the public mind of such unjustifiable impression. We should try to make them understand that our object is not to safeguard the purse of the rich few, but to relieve, in however small a measure, the larger circle of the middle class. In attempting to deal with the merits of the proposal, I would like to invite the attention of the members of the Council to a few sentences from the speech of the Hon'ble Mr. Kerr in Council in introducing the Bengal Amusement Bill of 1922. He said—

> We recognise that the imposition of this fresh taxation will cause a certain degree of hardship to those who will be called upon to pay, but we claim that our measures have been so devised as to reduce that hardship to a minimum. In return for the sacrifice to which we ask the Council and the public to submit, we can promise a reasonably efficient Government able to carry out its essential duties in a reasonably efficient manner.

Sir, these are the words uttered by a responsible statesman; by the Hon'ble gentleman in charge of the Bill. He admitted in clear and unambiguous language that the effect of the taxation would be to cause hardship to the payers, and he justified the measure by promises of making the Government more efficient. Well, Sir, more than two years have gone by since Bengal has been saddled with this taxation, and I ask the members of the House in all seriousness what do they now consider about the much vaunted efficient Government. Has the money derived from this source been utilised in any work intended to ameliorate the condition of the children of the soil? Have any of the urgent problems affecting the social, moral and intellectual uplift of the men and women of the land been attempted to be tackled by the Government? Alas, no such benevolent and generous endeavour can be credited to our super-efficient Government. Tax or no tax, our administrators are pursuing their own course, unfetterred by all considerations of sympathy or humanity.

After all from whom is the tax realised—not certainly from the theatre and cinema-wallahs? This extra money really comes from the pockets of the large section of he public who resort to these places of amusement. Amusements are not always luxuries and are often necessary for recreation and diversion. Eminent members of the medical profession have always maintained that hard-worked people must have frequent recreations. In that view of things decent places of amusement can almost be regarded as necessaries of life, and applying the well-known principle that necessaries of life should never be burdened with taxation, I appeal to the members of the Council to get such an inequitable burden removed.

Before concluding, I beg leave to quote a few passages from the eloquent speech delivered by Kumar Shib Shekhareswar Ray in opposing the introduction of the Bill in 1922:—

> We are the children of Bengal, and Bengal belongs to us. Her interests must be paramount to us. All other petty questions must go down before that. Should we consent to suck like vampires the life blood of the poor dying people, when they, over-taxed as they are, actually pay more than their proper quota—when the people themselves are being decimated by famine and pestilence?

With these words, I commend the resolution for the acceptance of the House.

Dr. MOHINI MOHAN DAS delivered a speech in Bengali in support of the resolution.

[In the course of Dr. Das' speech Maulvi Md. Nurul Huq Chaudhury crossed between the speaker and the Chair.]

Mr. PRESIDENT: Order, order. You must not cross between the Chair and the member speaking.

Maulvi Md. NURUL HUQ CHAUDHURY: On a point of order, Sir, I could not sit down as Maulvi Md. Abdul Jubbar Pahlowan occupied my seat. I think he has no business to be here as this block is reserved for the Swaraj party.

Mr. P. N. GUHA: I only want information from the movers of these resolutions. Is it not a fact that the prices of seats in theatres and cinemas have gone up since the introduction of the Act? Will the movers give an assurance that the proprietors will reduce the prices if this tax is removed.

Mr. J. CAMPBELL FORRESTER: Is this question in order, Sir? Can this question be asked? The motion is for the withdrawal of the tax. We have not asked the proprietors whether they will reduce the price or not.

Mr. PRESIDENT: You cannot expect either Mr. James or Mr. Campbell Forrester, who are not proprietors, to give that assurance.

Mr. P. N. GUHA: Then I whole-heartedly oppose the resolutions.

Rai HARENDRANATH CHAUDHURI: When in March last year Mr. Campbell Forrester brought forward such a motion before the

House I was responsible for the contretemps which prevented Mr. Campbell Forrester from accepting the amendment which was proposed by my friend Mr. Nirmal Chandra Chunder. The resolution which has now been brought forward by Mr. James runs exactly on the same lines on which the amendment was moved by Mr. Chunder on that occasion. The present proposal is that the amusements tax should be withdrawn from the cinemas and theatres. I did not see my way to accept Mr. Chunder's amendment at the time, and as I am now going to support this resolution I owe it to myself as well as to the House to explain why I am going to change my position with regard to this proposal. One of the reasons, Sir, which impelled me at the time to oppose the proposal for the abolition of the amusements tax so far as theatres and cinemas were concerned was that the amusements tax had been in operation only for 18 months at the time so far as these institutions were concerned. The time was not sufficient for us to judge whether the amusements tax was operating very harshly on the theatres and cinemas or not. Now this tax has been in force for 2½ years and now we are assured by those who are in the know that the theatres and cinemas are going to be strangled for the operation of the present Act, and the question now is not whether this tax will have a better yield from these institutions but the question now is whether these institutions should be taxed out of existence altogether. When that is the case, I think we have every reason to revise our judgment for the Hon'ble Mr. Donald said at the time of the last discussion that it would not be profitable to kill the very goose which laid the golden eggs. Now, there was another ground on which I thought it advisable to oppose such a motion last year. The financial situation at the time was certainly darker than it is now. The first period of the remission of the provincial contribution was going to expire, and it was uncertain whether further remission would be granted or not. But now we have got the remission, and so I think the financial situation has improved somewhat—at least so much that we can forego the yield from the amusements tax so far as the theatres and cinemas are concerned.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. T. Emerson): Sir, if it were permissible for the Finance Member to have a heart, mine would have been moved by the appeal of Mr. Campbell Forrester and some of the other gentlemen who have spoken on these motions. I have however, given a good deal of attention to the question of the falling off in theatre-going and I think that the amusements tax is only one of a great many causes. In England they have the same problem and they still continue their amusements tax and in England it has not kept people away from theatres. In Calcutta it is well known that not nearly so many people make a habit of going to theatres on Saturday nights as used to a couple of years ago. Nobody has pleaded the cause of the cinemas to-day.

Cinemas are apparently flourishing inspite of the tax, and our returns show that the receipts from cinemas and theatres for the last year, that is the latest year of which we have record, are 20 per cent. greater than they were the year before. It does not therefore look like strangling the goose that lays the golden eggs, and it is for that reason and others of a financial nature which I shall explain presently that the Government still maintain the same policy as when the subject was last discussed in this House in 1924.

Our financial position is still a very difficult one. With the help of the contribution to the Central Government which has been temporarily remitted and the increased receipts from registration we are able to balance our budget but only by keeping expenditure rigidly down.

We are not in a position to give up any source of revenue and if this resolution were carried, we should lose an income just close upon Rs. 3 lakhs. How can we ask the Government of India to review the Meston Settlement in order to increase our resources if we ourselves throw away this source of revenue? It has been argued that this tax will put an end to itself by making it impossible for the cinemas and theatres to carry on. This argument was used in the debate of March, 1924, and the Hon'ble Mr. Donald promised to consider the matter. We have now comparative figures for 1923-24 and 1924-25 and find from them that the pessimism we then showed in the debate was entirely unjustifiable. The receipts from the tax in respect of theatres and cinemas only were Rs. 2,44,601 in 1923-24; in 1924-25 Rs. 2,92,677, an increase of very nearly 25 per cent. Thus the only financial argument against the tax has been shown by figures to have no force at all. I cannot, therefore, accept the resolution on behalf of Government.

Mr. F. E. JAMES: Various points have been made by the members during the course of this debate and I only wish to refer to one or two. In the first place I think that on the part of the supporters of the resolutions too much emphasis has been laid upon the position in the Empire Theatre. Those members who are interested in the revival of the Bengali drama—and I hope there are many here—will realise the tremendous handicap which they have to suffer. When you come to think that in other countries this form of artistic expression is subsidised by the State, I mean in Germany, France and Belgium, (*i.e.*, the Opera, which is the highest national artistic level of public expression) when you come to consider and realise that the drama in which Bengal excels is being taxed practically out of existence I think the House will understand that there is a very strong argument from that point of view. There is a second point which has not been mentioned but to which I desire to refer, and that is in connexion with cinemas.

To any one who is interested in the standard of the films which are coming into this country it will not be news to state that the level of films has deteriorated of late. One of the reasons put forward by those who are interested in the film industry and also in cinema entertainments is that they have been living for some time on their capital—very largely due to this Entertainment Tax, and that is why they have been unable to secure better class films which command in Europe and America very high prices. This is an important thing, especially when you remember that in a place like Calcutta the cinema houses are patronised very extensively by the great student population, a large number of whom come from the mufassal and are great cinema goers. I admit, Sir, that the financial arguments put forward by the Hon'ble Member are strong ones. In the first place I am glad to notice that he has admitted that the tax has had an injurious effect upon the posterity of theatres and cinemas in Calcutta. I desire to controvert the statement that theatre-going in Calcutta is lessening. It may be so far as the Empire Theatre is concerned, but I am quite sure that it is not so as far as the Bengali theatres are concerned.

In regard to the arguments as to the increase in returns under this tax, I think, Sir, there are various reasons for that increase. One is undoubtedly the improvement of industrial conditions during the last 18 months; the second is that there have been one or two shows that have been favourites with the public and from which a large revenue has been reaped in the tax; and the third reason is—and the Hon'ble Member deserves congratulation on this—a more efficient collection of the tax. Now, Sir, the Hon'ble Member stated that the Government were not in a position to claim a further remission of the contribution due under the Meston Settlement if they withdrew this tax on the amusements in Bengal which is at present a source of revenue to them. Now I would like to ask whether it is legitimate even under emergency circumstances to have a tax which kills or practically kills the theatre and cinema industry. I do not think it is legitimate, Sir, and I would suggest to the Government that there are other means of taxation which might be explored before they turn this proposal down. The last question which I would place before the House is the argument which has been used I believe that the money which has been reaped from this tax is largely to be used on the transferred departments. I believe that there was some general statement to that effect when this tax was first introduced. I would like to ask whether there is any guarantee that the money thus earned has been spent on the transferred departments. I do not think it is possible to find that out. I think it is quite possible that it has been used on the Police Department! I would like therefore to suggest that in view of the fact that this tax is having an injurious effect upon a trade which is in its infancy, and from the point of view

of an art which is undergoing revival at the present time throughout this province and from the point of view of the standard of films which are imported to Bengal, it is not legitimate to continue a tax which is producing such a disastrous effect upon the theatres and cinemas.

The Hon'ble Mr. T. EMERSON: Sir, may I rise to explain just one simple matter? It is impossible in the allotment of Government money to say where this sum of Rs. 2,92,000 goes. In the recent allotment of the money which came from the remission of the contribution to the Central Government, the lion's share, or practically nearly the whole of it, has been given to the transferred departments because it is the custom to consider the claims of the transferred departments before those of any other department when absolute necessities have been arranged for.

The motion of Mr. F. E. James was then put and the Hon'ble the President declared that the "Ayes" had it, whereupon Mr. Campbell Forrester asked for a division.

Mr. PRESIDENT: In this connection I would like to point out that Mr. Campbell Forrester, who is one of the movers of an identical resolution, has challenged my decision, and I will not permit him to vote in the "Aye" lobby unless he explains his reasons.

Mr. J. CAMPBELL FORRESTER: Personally, Sir, I do not see the least use for a division now but I understood you, Mr. President, to have declared for the "Noes", but my friend behind me called for a division before I had done.

Mr. PRESIDENT: You should have first ascertained what my decision was; then you should have asked for a division. However, this time I permit you to go into the "Aye" lobby.

A division was taken with the following result:—

AYES—65.

Abbott, Mr. E. G.
Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Zannoor.
Aley, Khan Bahadur S. Mahboob.
Bagchi, Babu Romes Chandra.
Bakeh, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Bose, Babu Bejay Krishna.
Chakravarti, Babu Jogindra Chandra.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Harendranath.
Chaudhury, Maulvi Md. Nurul Huq.
Chawdhury, Maulvi Fazlal Karim.
Chunder, Mr. Nirmal Chandra.
Das, Babu Charu Chandra.
Das, Dr. Mahini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Saroda Prasad.
Dess, Rai Bahadur Pyari Lal.
Forrester, Mr. J. Campbell.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.

Haldar, Mr. S. N.
Hossain, Maulvi Waheed.
James, Mr. F. E.
Jennaway, Mr. J. H.
Jeardar, Maulvi Aftab Hossain.
Khaitan, Babu Debi Prosad.
Khan, Babu Debendra Lal.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Mahammad, Maulvi Basar.
Maity, Babu Mahendra Nath.
Mitter, Sir Provash Chunder.
Morens, Dr. N. W. B.
Mukerjea, Babu Taraknath.
Mukerji, Mr. S. C.
Nandy, Maharaj Kumar Sris Chandra.
Nasker, Babu Ham Chandra.
Neogi, Babu Manmohan.
Parrett, Mr. P.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Nagendra Narayan.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Ray Chaudhuri, Mr. K. C.
Ray Chaudhuri, Raja Manmatha Nath, of Santosh.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Roy, Mr. Tarit Bhusan.
Roy, Raja Manilell Singh.
Sarkar, Maulvi Allah Bukhsh.
Sarker, Babu Naliniranjan.
Suhrawardy, Dr. A.

NOES—27.

Addams-Williams, Mr. C.
Ahmed, Maulvi Teyebuddin.
Ali, Maulvi Sayyed Sultan.
Birley, Mr. L.
Browne, Mr. P. H.
De, Mr. K. C.
Dey, Mr. C. G.
Dutt, Mr. G. S.
Eddis, Mr. B. E. G.
Emerson, the Hon'ble Mr. T.
Faroqui, Khan Bahadur K. G. M.
Goode, Mr. S. W.
Hopkyns, Mr. W. S.
Huq, Maulvi Ekramul.
Liddell, Mr. H. C.
Lindsay, Mr. J. H.
Meeth, Mr. Syed M.
Hazimuddin, Khaja.
Oaten, Mr. E. F.
Pahlowan, Maulvi Md. Abdul Jubbar.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Roy, Mr. S. H.
Salem, Khan Bahader Maulvi Abdas.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 65 and the Noes 27 the motion was carried.

Site for a mosque within the Chittagong Court compound.

Maulvi AMANAT KHAN: I move that this Council recommends to the Government that a piece of land measuring 3 *gandas*, behind the stamp-vendor's shop, within the Chittagong Court compound, be provided for the erection of a mosque for the litigant public of Chittagong to say their *Juma* and other prayers.

In doing so I would inform the House that it is causing great hardship to the Muhammadan litigants in Chittagong in not being able to say their prayers. Of course it is true that a small room has been spared for the time being but it can only accommodate 15 to 20 persons and can be taken away by the authorities for any other purpose at any time. Sir, in Chittagong 99 per cent. of the litigants are Muhammadans, and they find difficulty when attending the Court in

saying their prayers, as they have got to go outside the Court compound and have to return to the Court again. I fear some of my hon'ble friends will not be able to imagine the hardship which is being caused by this arrangement. During the hot summer days they have to go down the hills and come back. During the rainy season they get wet. The site which I have proposed is a very suitable one as it stands not on the top of the hill but on its side and it is in such a position that it will not interfere with the expansion of the Court at any time. It is also near the Sub-Registrar's office where people gather and they will also have an opportunity of saying their prayer in the mosque. It is only a small piece of land and it can easily be provided for the convenience of the Muhammadan litigants. This is not a party nor a political question but purely a religious one and as such I hope the hon'ble members will support my resolution.

Hadji Mr. A. K. ABU AHMED KHAN CHUZNAVI: I have great pleasure in according my whole-hearted support to this resolution. It is a very small request for allowing a mosque to be built on a tiny piece of land within the compound of the Chittagong Court in order to enable Moslem litigant public, pleaders and muktears, and Moslem officials and employees of the Court to say their *Juma* prayers.

Now, Sir, I have been associated with the question of affording facilities for *Juma* prayers for over a decade and in attempting to persuade Government to give suitable recognition to our Moslem Sabbath. It was in 1912 that I had the honour of meeting this question in the old Imperial Legislative Council and the result of my humble endeavours was that Moslem employees of Government were granted permission to absent themselves for only an hour and half on Fridays between 12-30 and 2 P.M. to say their *Juma* prayers. These facilities I have had the privilege of having extended throughout India and Burma. But this tacit permission, as it stood, was found subsequently not to be enough. In 1917 complaints were made in this very Council that the ministerial heads of offices and others sometimes placed obstacles in the way of the Moslem employees who wished to leave office in order to say their Friday prayers. Whereupon, a circular was again issued by order of His Excellency the Governor in Council to impress on all officers of Government that effect be given in a liberal spirit to the orders passed on this subject in 1912.

In 1921 on a motion of my friend the Shah Saheb—a motion which was carried *nemine dissenta*—a circular was again issued very much to the same effect but which had the merit of deleting the condition that was imposed hitherto, *viz.*, of making up the time of absence on the part of the Moslem employees, by working extra hours during the week.

The High Court were also informed of the acceptance of that motion by this Council and they intimated that the action taken by Government in amending the orders in 1912 was in accordance with the practice prevalent in the High Court.

In pursuance of the reply given to a question asked by the worthy Shah Saheb at the July session of the Bengal Legislative Council in 1923, an inquiry was made as to whether in the absence of any clear instructions, the litigants and other persons of the Islamic faith attending courts, felt any difficulty in attending mosques for their *Juma* prayers. As a result of that inquiry instructions contained in Government Circular No. 8288-8312J., dated the 23rd December, 1923, were issued to all officers subordinate to the Government of Bengal.

Sir, this would show that the Moslem community entertained very strong opinions on what is a vitally important religious matter. Therefore, when I had the privilege of serving as a Minister of the Government of Bengal I felt it my duty to point out to my colleagues that so long as the position remained one where permission was granted on request there would always be difficulty and discord arising from the action of ministerial officers. The dissatisfaction caused may not be openly voiced but it would be deeply felt. Opportunity to observe the essential forms of one's own religion ought not to be granted grudgingly as a concession, but as being a right to which every subject was entitled. So long as the courts and offices remained open at the time of *Juma* prayers, so long will there remain misunderstanding and the possibility of interference. I therefore urged with all the emphasis at my command that due recognition should be given by declaring Friday as a half holiday from 12-30 P.M., and added that out of deference to the religious belief of their Moslem subjects Friday was a recognised holiday even in some and half holiday in other, Fudatory Hindu States in India, although in some of these States Moslem subjects constituted almost a negligible minority.

Mr. PRESIDENT: Mr. Ghuznavi, what are you speaking about. This resolution has nothing to do with holidays and half-holidays. I think you should try to be more relevant.

Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: If this proposal was not approved then my next proposal was that at least courts and offices should be closed down on Fridays between the hours of 12-30 and 2 P.M.

The thanks of the entire Moslem population of Bengal are due to His Excellency Lord Lytton and his colleagues for agreeing unanimously to the latter proposal of mine and for also doing their utmost to persuade the Hon'ble Judges of the High Court to agree to this in regard to the courts which are subordinate to them.

Mr. PRESIDENT: I am afraid you are again talking about holidays, Mr. Ghuznavi. That has got nothing to do with the subject-matter under discussion.

Hadji Mr. A. K. ABU AHMED KHAN GHUZNAVI: Sir, if you will permit me I will soon convince you that what I am saying is not irrelevant to the point at issue. I was saying that the time allotted to say their *Juma* prayers is from 12-30 to 2. That time must be short for litigants to go to a mosque which is situated at a distance from the court and then come back in time. Therefore, I say it is essential that the mosque must be situated near the court compound.

Now, Sir, we may be told in reply to this resolution that there are other mosques in the vicinity of the Chittagong court to which Moslems could go. The *Juma* prayer service with its *khodba* or sermon however, takes an hour and a quarter or more leaving only a few minutes to the faithful to reach the mosque and make their ablutions. After deducting the actual time that the service takes up, only a few minutes would be left for people to go to the mosque and thereafter return in time to the court, it is not possible to attend *Juma* prayers and at the same time return to court in proper time in the case of Chittagong, where there is not a mosque within a stone throw of the court buildings. Hence, in this particular case it is essential that leave should be given for the erection of a mosque within the court compound. It may be argued that the Hindus or Jains might similarly ask for a similar concession. I would say in reply that there is no institution of *Juma* prayers in Hindu or the Jain religion. With these words I heartily recommend this resolution for the acceptance of this House.

Maulvi Md. NURUL HUQ CHAUDHURY: Sir, I rise to support the motion moved by my friend, Maulvi Amanat Khan. The plot of land asked for in this resolution is only about 3 cottas near the civil and criminal courts. Although it is situated on the "Fairy Hill" it is so situated that the court buildings cannot possibly be extended there. Sir, the people of Chittagong have kept the distinction of being a very litiguous people and 90 per cent. of the litigants are Muhammadans. But Chittagong Muhammadans have another distinction too. It is the outstanding fact that Chittagong Muhammadans are everywhere known to be the most religious people. With them litigation and religion go hand in hand. It is very difficult for these people to go to the mosque which is situated outside the hills and then come up again to depose in a case when they are panting for breath. It will take them no less than 25 minutes to go and come back. To climb up a hill is a very tiresome thing and a witness is necessarily handicapped in giving deposition. He has no energy left to answer relevant questions when all the time he is panting for breath. That being the case

and as there is a genuine desire on the part of the people to have a mosque near the court compound, I think Government ought to grant this request and by doing so will not only earn the gratitude of the Muhammadans but I can assure them that the Hindu public will have no objection to have the small plot of land being given to the Muhammadans for erecting a mosque.

Dr. BIDHAN CHANDRA ROY: May I ask whether it is the intention of the mover that nobody except the litigants will be allowed to say their prayers in the mosque.

Maulvi AMANAT KHAN: No, that is not my intention. Everybody can say their prayers.

MEMBER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble Mr. T. Emerson): Sir, I have listened carefully to the speech of the mover of this resolution in the hope of finding what peculiar conditions there were in Chittagong which would justify a mosque being erected in that particular district and not erected in every other district headquarters court compound in Bengal. No such conditions have been mentioned on the contrary I find that there are many good reasons why the Government land should not be given for that purpose. First, there is the general reason that it is not a good practice to alienate Government land and by alienating the land for a mosque it would be alienated in a way which would make it impossible for Government ever to get it back. Another objection is that there are already three mosques within about 6 minutes walk of the site on which it is proposed to erect this mosque.

Maulvi Md. NURUL HUQ CHAUDHURY: How many minutes does it take to climb the hill?

The Hon'ble Mr. T. EMERSON.: That is an information for which I do not depend on the local authorities. I have got personal knowledge—I know the " Fairy Hill ".

It has been admitted by the mover in his speech, that arrangements have already been made in the Chittagong Collectorate for Muhammadans to say their prayers, so the necessity has been met already and there is no reason why we should break through the general practice of not alienating Government land unnecessarily.

In these circumstances I would ask the hon'ble mover to withdraw the resolution.

Maulvi AMANAT KHAN: Sir, in reply to the Hon'ble Member, I would say that very few district courts in Bengal are situated on hill sites. The Chittagong Court is situated on the top of a high hill and

the proposed site is on the hill side. Moreover, the Government has granted permission for the erection of stalls within the court compound and I am sure the local authorities think it desirable to allow the Muhammadans to say their prayers in the mosque. The Muhammadans are suffering very much in this respect. The room which has been allotted to the Muhammadans for saying their prayers within the court compound is too small and it accommodates only 15 to 20 persons. I hope, therefore, that the Hon'ble Member-in-charge will be pleased to accept it.

The motion of Maulvi Amanat Khan was then put and agreed to.

Attendance of Messrs. Anilbaran Ray and Satyendra Chandra Mitra in the Council for taking the oath of their allegiance to the Crown.

Babu ABANISH CHANDRA RAY: Sir, before I move the resolution that stands in my name, may I ask the permission of the House to amend my resolution by replacing the words "at the session of the Bengal Legislative Council to be held on the 12th of August, 1925" at the end of the resolution by the words "at the next session of the Bengal Legislative Council".

The permission was granted.

Babu ABANISH CHANDRA RAY: With your kind permission I beg to move the non-official resolution No. 20 in the agenda of the current session of the Council which runs thus:—

"This Council recommends to the Government that Sreejuts Anilbaran Ray and Satyendra Chandra Mitra, who have been duly returned from Bankura and Noakhali (non-Muhammadan) constituencies respectively, be brought up for taking the oath of allegiance at the next session of the Bengal Legislative Council."

Sir, the two persons named above, *i.e.*, our two distinguished colleagues, are too well known to this House to require any introduction from me. They were sitting members of this Council when they were arrested and placed in jail in October last under that rusty Bengal Regulation III of 1818; subsequently they were treated as Ordinance prisoners and the former was kept in the Berhampore and the latter in the Mandalay jails. They and their constituents repeatedly prayed to the Government to allow them to attend the Council during the Winter Session but to no effect and then at the conclusion of the session their seats were declared vacant by the self-same Government, mainly on the ground of their failure to attend to their Council duties. The logic, the justice, the fairness of this step are intelligible only to this bureaucratic Government, whose ways and means are often so subtle and mysterious.

The two members stood for re-election in due course, their nomination papers were allowed to pass the scrutiny by responsible Government officials and they were returned unopposed. Now, under rule 24 of the Bengal Electoral Rules they are to take their oath of allegiance to the Crown before this House. The rule runs thus—

Every person who is elected or nominated to be a member of the Council, shall, before taking his seat, make at a meeting of the Council, an oath or affirmation of his allegiance to the Crown in the following form, etc.

The word is "shall" and so there is no escape from it, moreover certain severe penalties are imposed by the rules for non-compliance with its provisions. Rule 25 says that if any person having been elected fails to make the oath or affirmation prescribed by rule 24 within such time as His Excellency the Governor considers reasonable, His Excellency the Governor shall declare his seat to be vacant. Nobody knows what time His Excellency the Governor may or may not consider reasonable. Then, Sir, further penalties are also imposed for non-compliance with the provision of these rules in the shape of forfeitures of deposits. It is laid down in rule No. 12, sub-rule (5) that if a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made, is elected and thereafter his seat is declared vacant under these rules owing to his failure to make the oath or affirmation hereinafter prescribed, the deposit shall be forfeited to the Government. Now, Sir, you will be surprised to hear that these members applied to the Government from within their prison walls to be allowed to attend this session of the Council to take their oath of allegiance to the Crown but even those prayers have been rejected. Does it not amount to a palpable disloyalty on the part of these bureaucrats to prevent members of this House from taking their oath of allegiance to His Most Gracious Majesty the King Emperor? I ask the House to answer by accepting my resolution and thus saving these misguided officials from the adoption of a course which amounts to disloyalty to the Crown. I don't see any reason why they should lose their membership or forfeit their good money for no fault of their own. The recommendation embodied in my resolution is so simple, easy, just, reasonable and fair that I think it is absolutely unnecessary for me to inflict a longer speech on the members at this time of the day to convince them and I firmly believe that the House will almost unanimously accept my humble proposal.

Mr. NIRMAL CHANDRA CHUNDER: Sir, I rise to support this resolution. In supporting this resolution I beg to observe that here under the law an obligation is imposed upon me and it is the very officials here who have got the administration of law in their hands who deny me the right to come and discharge the obligation which has been imposed on me. Very likely in no other country would this thing be possible. They have been arrested on charges which amount not merely to disloyalty but almost

to waging war against the King. Let them be brought up here and let us find out whether they are prepared to take the oath of allegiance or not. I believe that the Government is not willing to bring them up here—Government has not brought them up here in spite of the notice of this resolution—because Government knows that they are quite prepared at any date and at any moment to take the oath of allegiance, because they harbour absolutely nothing in their minds which prevents them from taking the oath of allegiance. We have all taken the oath of allegiance. We may oppose the Government which is in power. We may have our own views as to what should be the constitution for India but to say that we are not prepared to take the oath of allegiance or that we are engaged in revolutionary activities is to say what is not true of us. Therefore, Sir, in the name of the party to which we belong, in the name of justice to our comrades, we ask the Government at least to accept this resolution which asks for nothing else but to bring these gentlemen here to take their oath of allegiance. But that is not all. Government has been doing this in other cases. I know of cases and we have read in the papers of cases where internees have been brought to sit for examinations. Sir, is taking the oath of allegiance not a much more serious matter than appearing at an examination? I know, Sir, that an internee in my neighbourhood is allowed to come and visit his sick relatives. He is brought almost daily. I say, Sir, is this not a better ground that an internee should be brought out from his imprisonment and brought before the Council? You do not allow him to take part in this Council and yet you declare his seat vacant and you want to disqualify him for ever. You want to take away his franchise without giving him any opportunity to come and take the oath of allegiance. This is very unfair, and if I may say so without disrespect, unthinkable in any free country.

Babu AKHIL CHANDRA DATTA: It appears to me, Sir, that it is a fundamental question of primary rights. Now what is the position in this matter? The law of the land does not disqualify those gentlemen who are under detention from being elected by their constituencies. The law does not stand in the way of their election, and we have got to start with this fundamental fact. Now what is the intention—the contemplation—of the law which allows their election. Is it contemplated that they should be allowed to be elected—the law should allow the constituencies to elect certain gentlemen and at the same time should not allow the latter to represent their constituencies within the Council Chamber? In other words, if they are denied the right of attending the Council meetings then the election held by Government—the whole thing—becomes a nullity and a farce. Is it fair to the constituencies to give them the right to elect and at the same time to deny them the right of being represented in this Council on account of the detention of their

representatives? Sir, if it is the intention that such people should not be allowed to attend the Council meetings, then it is only fair to the constituencies that the law should be changed and the constituencies informed that if they elected these gentlemen they could not be represented. Then Sir, what is the difficulty about this matter. I know of cases in which people under similar detention are allowed to go home to advise in cases of litigation. If that can be allowed, why these gentlemen should not be allowed to come and take part in the deliberations of the Council. Is there any apprehension that these two gentlemen will corrupt and contaminate the members of this House, officials and non-officials? What is the difficulty? They can be produced here under proper surveillance and under proper precautions. Therefore I say that in ordinary fairness they should be allowed the right to come here and take part in our deliberations. Otherwise Government should immediately change the law and make such elections impossible and that is the only fair and honourable course. Either of these two things must be done by Government—either change the law or allow these two members to attend the Council.

Babu ROMES CHANDRA BACCHI: Standing to support this resolution my heart to-day is filled with bitter distress and remorse. That an honourable member of this House shall be detained, defamed and prevented from discharging his legislative duties seems to me to be a scandalous disgrace to the dignity, the reputation and the legal tradition not only of this House alone but upon the whole civilisation and therewith upon all progressive social and politicial conception which our ancient fathers had developed and improved out of mere primitive chaos in ideas and organisations. It was admitted after a thousand years' controversial and actual struggle that a representative institution supplied even with a semblance of power and prestige is after all a sacred temple whose tradition and modesty must by all means be preserved and respected; and no Government has ever any power to disgrace a member of such an institution without proving his offence to the world, and no nation has ever tolerated such a defiance to a popular representative, whom the people have thought above any such calumnous infamy and therefore elected. And this is, Sir, the wide-spread belief about the members who have been put to the prison without any trial or a show of trial whatsoever. Resolutions have been moved and carried from this House more than once demanding their release and condemning the unauthorised move of the Government, but yet we have not our friends and colleagues restored to us; we have seen our desires not carried out. Our voice—the voice of the people has been hushed up, silenced and gagged: The people have been denied their natural right—the right of representation. Their representatives had to see their own wishes humiliated, their united voices crushed! The elementary and primary privilege of a representative Government was denied us. The Government by their obdurate

tyranny was first to destroy the representative character of the Legislature in this province and we are to take part in a Government whose anomalous position cannot be explained nor can be understood.

But apart from that, apart from every broader consideration, there has arisen a question of law as enunciated and enumerated in the Act itself upon the provisions of which I shall base my contention chiefly. And this Act, Sir, was the making of your own, and you too are the custodians of preserving it to its pristine or 1919 glory, and I will only try to show how you have violated the provisions of your own law, have disgraced the Act of 1919, in which you have sought shelter always to justify your all nefarious actions.

It has been clearly stated in section 24, of the Bengal Electoral Rules (General Provisions), that every person who is elected or nominated (no matter how or when) to be a member of this Council will be required to make an oath or affirmation of his allegiance to the Crown before he actually takes his seat here. Now, Sir, in the cases of Babus Satyendra Chandra Mitra and Anilbaran Ray we have seen that the Government had accepted their nomination papers and had given their final approval to their election too, but yet they are debarred from making the oath of allegiance, which is but the next work they are required to perform, after they have been duly elected. If Government were reluctant to allow them to make their allegiance, why did they accept at all their nomination papers? Why did they gazette their names as the representatives of the respective constituencies? Government accepted their papers, and the people's loyalty to their leaders was tested when they have been elected unopposed. But how under these circumstances the Government can refuse them their legitimate demand to participate in Council debates when they have been duly elected? Again, the seats of the members have not been declared vacant, nor can it be done safely. They are still *bona fide* members of this House and are willing very much to take part in the debate when none of the provisions under section 26, sub-section (1) of Part VI General Provision (Bengal Electoral Rules) disqualify them for doing so. Government cannot declare their seats to be vacant nor can they call upon the constituencies to elect other representatives, when the members are neither willingly absent from India, nor they are unable to do their duty nor they have died though the Hon'ble Member in the Political Bench would correct me saying that they are civilly dead; nor they have accepted any office under the Government save perhaps the honourable office of a criminal overseer in far-off Mandalay to drive out the "lowing herd" of the prisoners when "the curfew tolls the knell of parting day" nor they have resigned their seats. Under these circumstances Government cannot deny them their legitimate desire to be present in this Council and make due allegiance to the Crown and it is certainly a grave concern with the dignity of this House, that a willing member be prevented from discharging his legislative duties.

My appeal to the Government is two-fold. I have appealed to wider statesmanship of the Government, and have asked them to read the ominous signs writ very large in the dismal faces of a despairing people, and am asking again to the legal instinct of the Government to reconsider the case before they have caused to vanish the last vestige of patience and forbearance from a suffering nation. I have nothing more to say. This morning's paper has published an account of the Viceroy's speech in Simla and he has very much sought the hand of co-operation and good-will and not of "menace". And you too, if you sincerely seek them do seize this opportunity of allaying public feelings, that Bengal may find consolation in your soothing sympathy. I appeal, once more in lending my emphatic support to the resolution, to restore the honourable members to us, and you will see the ancient people of Bengal rising equal to the occasion of recognising your kindness and showing their unblushed gratitude.

Mr. M. DAUD: I rise to support the resolution that has been moved by my friend, Babu Abanish Chandra Ray, and have got certain grounds for its support. These two gentlemen, Babus Anilbaran Ray and Satyendra Chandra Mitra were detained under Regulation III when they were sitting members of this Council. I asked a question on the 7th January last whether these two gentlemen, although they were Regulation prisoners, would be allowed to come to the Council to take part in its deliberations. The Hon'ble Sir Hugh Stephenson at that time replied that they would not be able to attend the Council but no reason was given by him. After some time these two seats were declared vacant by His Excellency the Governor and the constituencies represented by them were asked to elect their representatives again. Now, I fail to understand why these two gentlemen only were allowed to stand for election although they were Regulation prisoners and although they were under detention in jail; but since they were allowed to stand for election from jail and were duly elected by their constituencies I do not see where the harm is if they are allowed to come to the Council at least to take their oath of allegiance to the Crown. Whether they will be allowed to take their seat in this Council is not the question at present. The question is simply that they be allowed to come to the Council to take their allegiance and I think it is a very simple matter and their is no reason why Government should oppose the resolution. With these words I beg to support the resolution.

Babu SARAT CHANDRA BASU: Consistency, as we have been taught from our infancy, is a ruling factor in a man's conduct. Whether he be an individual or association or Government every one expects that there should be consistency in that individual or association or Government's conduct. Although we know and know for a long time that

consistency had never been a guiding factor in the work of the Government of our country still we have got laws in the country to compel people to be consistent when they themselves are not willing to abide by those laws. We all know that these two gentlemen were members of this Council and when they were serving as such they were taken away from us and sent to prison under a Regulation which ought to remain nameless. When their liberty was taken away and they were in jail unable to attend Council, their names were struck off the list of members of this Council on account of this enforced absence. What happened then—they stood for re-election. You know and we all do know that no one can stand for election unless he is permitted by Government to do so. There are certain preliminaries that he has to observe, his application has got to be accepted by Government and it is only when his application has been accepted that he is permitted to stand. In the case of these two gentlemen they were permitted to stand by the Government and Government sanctioning their candidature for election, they were eventually elected and after their election they were prohibited from coming to the Council to take their oath of allegiance although they themselves asked to be brought here for that purpose. Now, Sir, is this consistency? Does it not violate the first principle of law in every civilised country and that law which guides the conduct of every people under the sun, I mean the law of estoppel. Government have permitted these two gentlemen to stand for election, thereby they have sanctioned their election and having done so the things that come after must follow as a matter of course; in other words they must be permitted to act as elected members of the Council. While on the one hand Government allow them to come in, on the other Government extend their hands across the door of the Council and prevent them from getting in. It is a breach of faith, it is a breach of all rules of fair human conduct and it I may be permitted to say so it is a breach of law, a breach of honesty, not to allow these gentlemen to come to the Council; the Government ought to be stopped. The law ought to compel the Government to allow these gentlemen to come in when they have been permitted to stand for election and been elected. But what happens here. It is a veritable play of fast and loose. Government have been fast in keeping these gentlemen fast in prison and thereafter the Government have been loose in giving effect to the operation of the law—that has been the fate of these two gentlemen. It is a veritable blowing of hot and cold at the same time. If these gentlemen have not come here, they have not come on account of obstruction, because they are now prisoners. They have been debarred from coming here on account of circumstances over which they have no control—circumstances which prevent their coming here had been in existence even before their election. So what happens is this—that their incarceration is given posthumous effect after bringing into existence the circumstances of their election to the Council. In these circumstances I submit, Sir, that it is a breach of all rules of

honesty, it is a breach of that rule of law of estoppel which is in force in all civilised countries and I believe even in uncivilised countries also; the cordon placed round them is a violation of all rules of conduct and of all rules or laws that are in force in civilised societies.

In this connection the one thing that I would wish to draw your attention to is the purpose for which they are asked to be brought here, namely, taking the oath of allegiance. Can it be said that the Government do not want allegiance from these people? If the Government say that they do not want allegiance from these people then the Government will be denying protection to the two elected members of the Council to which they are entitled on account of their allegiance. I never knew, Sir, that allegiance to the Crown was such a sin in the Government of a country that a man should be prohibited from taking the oath of allegiance. I have known of seditionists, I have known of non-co-operators, I have known of conspirators, I have known of rebels, I have known of criminals, who have withdrawn their allegiance to the sovereign but I have not known of any government debarring people from taking their oath of allegiance. (Shame, Shame!) I believe such a thing as this has never been known in any country in the world where a man wants to offer his allegiance to his sovereign but the sovereign says "I won't accept it".

Maulvi Md. NURUL HUQ CHAUDHURI: Not the sovereign but his subordinates.

Babu SARAT CHANDRA BASU: Are these people alien enemies or are they subjects of the British sovereign in India? If they are subjects of the British sovereign then they ought to take the oath of allegiance, they are entitled to do that and the sovereign is bound to accept that allegiance. In these circumstances without taking up any further time of the Council—it is now evening—I will conclude by saying that the prohibition of these two gentlemen from taking the oath of allegiance is a violation of the very principle of civilised government under which allegiance is to be offered by the people to the sovereign and the sovereign's duty it is to accept that allegiance.

[At this stage the Council was adjourned for 15 minutes.]

[After the adjournment.]

Mr. H. S. SUHRAWARDY: I do not know from which point of view I should best support it. But I feel I would have ample grounds for doing so from any reasonable point of view. Firstly, I would do so because we know that there is absolutely no justification for their incarceration at any rate, no justification. There was from the point of view of Government as they were the heart and soul, the spirit and the

fire of the Swaraj movement; justification there was because their presence inspired and their self-sacrifice enthused. But of the charges that had been levelled against them they are absolutely innocent. I know that our voice and our testimony, nay the voice and the testimony of the great tribute of the people is as naught compared with the inspired reports of the lowest spy, but I do hereby give my testimony and I speak for all the others who knew them, that they were blameless of the infamous charges on which they were arrested. Secondly, I would support the resolution on all the rational grounds advanced so ably by Mr. Sarat Chandra Basu. If you have given them the right to stand, the right to be elected, you must give them the right to attend. Thirdly, I would support the resolution because I want to see them. When the figure of Satyendra Chandra Mitra rises before me, so gentle, so kind, and yet so brave, I feel a fierce indignation at the injustice that has condemned him to a felon's cell. I want to see them to clasp them by the hand, I want to congratulate them on their glory of martyrdom they have attained. I want to be inspired by their presence if it is in me to be inspired. I know the Government is afraid of demonstration. All Bengal will flock to pay its homage to its leaders who have suffered for its sake and we shall pay to them the homage of a suffering people for its suffering heroes.

Maulvi WAHED HOSSAIN: I do not like to repeat all the facts which are well known to the House and the public. I shall put four questions of law. I hope that the Hon'ble Member in charge will pay attention to them and try to solve them. My first question of law is: is there any provision in the Bengal Ordinance which debar a councillor from taking his oath of allegiance? The second point is: the Ordinance is silent on the point. If the law is silent, under what authority they are debarred? The third point is, how can the Executive Government override the provisions of a positive enactment without a special law or regulation to abrogate the same? The fourth point is, what would be the legal consequence for the step taken by Government. If they are not produced for taking the oath of allegiance who will be responsible for such an act?

Mr. A. C. BANERJEE: In supporting the motion before the House, I first of all must confess that I do not agree with my friend Babu Sarat Chandra Basu when he says that the Government has been guilty of inconsistency. On the other hand I say that the Government if anything has been quite consistent. The Government under which we live has been very consistent in crushing the spirit of independence of the people. Government as we all know has taken delight in riding a coach-and-four through the liberties and the rights of the people and Government is to-day persuing the same policy. In the cases in question the Government has persued the same policy by robbing two of the

members of the House of their liberty and of their right to be heard in personal defence and to represent their constituencies. Therefore, I say that if anything, the Government has been very consistent indeed and if the Government were not so I would have been much surprised. We have a great deal of profession of sympathy for the rights and aspirations of the people coming from that quarter but we know that when there is gall in the heart there is an unlimited supply of honey so far as their tongue is concerned. But we are not going to be deceived at this hour of the day. We have lived long enough in faith and hope but our faith is gone and hope has disappeared. We are thoroughly disillusionised.

There are two men against whom there is not a tittle of evidence. We are told that there is evidence enough to convict them. Some distinguished officials have looked into the evidence against them and they have been satisfied as to the guilt of the two accused members who have, however, not been given a chance of defending themselves—of either knowing what the charges are against them or what evidence there exists to support such charges. If there is really any reliable evidence why not bring them up for trial?

Mr. PRESIDENT: Mr. Banerjee, that is not quite relevant.

Mr. A. C. BANERJEE, Sir, as they are kept in a prison cell, as they are treated as felons surely it is up to us to ask the Government to produce such evidence as they have got against these people or we should have their company as our colleagues here. Under one of the Stuart Kings a member of the House of Commons was cast into prison—he was sent to the tower under the orders of the sovereign—not, mind you, under the orders of a brown or white bureaucracy, such as we have seated over there—but under the direct order of the sovereign himself, but the Speaker of the House directed that these men should be produced before the House and be enabled to take part in its proceedings. Where is that right of the Speaker of this House? If that power is not vested in you, Sir, surely that power must be with us. We must call upon an unsympathetic and autocratic Government—a Government which does not care a straw for the rights of the people—to allow them to represent their constituencies and to take their oath. If they are not allowed to come here what is the result? They will be disqualified again on account of non-attendance. There will be a fresh election but the same gentlemen will again be returned and you will again say that they cannot be brought up here for reasons which are State secrets and into which we are not permitted to look. They will be returned again and again and the consequence of it will be that these two constituencies will go unrepresented. Does the Act under which this Council has come into existence contemplate that any constituency should for years go unrepresented? I should like to know how these constituencies are

going to be represented if you propose to keep their chosen representatives in custody as prisoners without a tittle of evidence against them and without giving them an opportunity to prove their innocence—a right which is ordinarily not denied even to the worst and the greatest criminal.

Babu KHAGENDRA NATH GANGULY: Sir, a very important principle is involved in this resolution. We are not so much anxious whether these members actually attend the current sessions or the next sessions but we are desirous of clearing the atmosphere of one great anomaly. The law as has been explained by the mover of the resolution is clear on the point. Rule 24 of the Bengal Electoral Rules requires every person who is elected to the Council to take the oath or affirmation of his allegiance to the Crown. Rule 25 states the effect of subsequent disabilities by which the seat of any such member can be declared to be vacant. Lastly, rule 26 explains the procedure that will be adopted in case the seat of a particular member is declared vacant. The methods by which a seat is declared vacant are—absence from India, inability to attend to duty, death and resignation. Of these modes the only clause that may apply to the case of these two members is their inability to attend to their duty. Now, may I put the plain and simple question—on whom does the responsibility for their inability to attend rests? Certainly not on the absent members themselves, for they were and are quite willing to attend and even applied for permission to attend. Does not then the responsibility for their compulsory absence lie entirely with the Government and Government alone. Can we the members of the Council look upon with equanimity and without a protest at the erratic, high-handed and illegal procedure adopted by the bureaucracy in power. Summons are sent to them, but Government does not allow them to sit. The authorities are thereby stultifying themselves. Is this not another of these innumerable instances in which Government displays an utter want of responsibility and an absolute lack of responsiveness for the feelings and sentiments of the people of the land? Srijuts Anilbaran and Satyendra Chandra have been returned as representatives of their constituencies twice, thereby proving conclusively that they enjoy the unstinted confidence of their respective constituencies. But how has the Government reciprocated this confidence of the people—by incarcerating the members in jail—by not allowing these representatives to sit in the Council and thereby depriving thousands of people of the benefit of their right of representation in the Council.

Sir, it is not up to us to stand upon our rights if any, and tell the Government in unmistakable language that we would not and we must not be bamboozled by the hollow mockery of so-called election if the elected persons are not permitted to sit by us in the Council Chamber. We should go further and declare that such detentions without trial of beloved representatives of the people are unworthy of a Government which claims

and poses itself to be a civilised Government. From our past experience we can very well foretell the fate which might be in store for the recommendations of the elected representatives of Bengal. But we must not be daunted by those considerations. Our self-respect demands and our manhood expects that notwithstanding our recommendations falling flat on the Government; notwithstanding the chance that such an opinion of the Council will be ignored with impunity and probably with contempt we must pass the resolution by a thumping majority.

Sir, the morning papers have published the long expected and much drummed assurance by the Viceroy. Well, we Swarajists had never entertained any misgivings about the said announcement and so it did not come upon us in the nature of a surprise. But all the same when the olive branch of peace and co-operation has been prominently put forward by the Viceroy what better opportunity can there be than to restore our absent friends to us as early as practicable as an earnest of the Government's sincerety in its promises.

Mr. KIRAN SANKAR ROY: So much has been said on this resolution that I do not want to say more than one or two words. Doubt has arisen in our mind as to who is the Governor of this Province. I understand that summonses have been sent to these members in the name of His Excellency Lord Lytton. But the Hon'ble Member-in-charge Sir Hugh Stephenson, who is responsible for their detention says no, they may not attend, though we understand that Sir Hugh Stephenson is not yet the Governor of this province—fortunately. I want to know this, that when summons have been sent in the name of the Governor who is brave enough in this Province to prevent them from obeying the summons.

The second point that has arisen in my mind is this: I think - and I want this House to consider it very carefully—that it is a very effective weapon in the hands of the arbitrary bureaucracy of this country to use—I say it is an executive weapon against an obstructive opposition. I know—and I am as sure of it as I am here—that in the next election our party will come here with a clear majority and at the same time I feel that the same weapon will be used because after all it is a very easy way to prevent members from taking their oath in this House and thus prevent them from taking their seats. In these circumstances I want to commend this resolution for the acceptance of this House.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Hugh Stephenson): Sir, before dealing with this resolution I would like first of all to say a word or two about Mr. Basu's speech. Mr. Basu may be very strong in law—I am not a sufficient judge of law to pass an opinion on that—but he is lamentably weak in facts. I have never heard it suggested—and I have heard a good many denunciations of

the Reformed constitution as a sham—but I have never even heard it suggested that no one can stand as a member without the permission of Government. Anybody who is qualified can stand as a member. And nobody can prevent him standing. The Returning Officer must declare him elected if he is qualified and is the only candidate or gets the majority of votes and if he is elected Government must announce his election on the certification of the Returning Officer in the *Calcutta Gazette*. The whole of Mr. Basu's speech was based upon that error of fact and the whole of it therefore falls to the ground.

Then, Sir, something has been said about the issue of summonses to members. The Governor in Council has nothing to do with the summoning of members to this Council. The summonses are issued by the Secretary to the Council. The Governor in Council has no knowledge of them. It is the Secretary of the Council who issues them.

Mr. A. C. BANERJEE: May I ask whether or not it is by the command of His Excellency that the summons are issued.

The Hon'ble Sir HUGH STEPHENSON: Coming to the facts they are these: Government has deemed it necessary in the interest of public security to restrain the liberty of these two gentlemen. Their attendance in this Council to perform their duties is incompatible with that restraint. It was thought that inasmuch as these gentlemen were elected by two constituencies before they were arrested and prevented from carrying out their duties it was only right to give those constituencies an opportunity of saying whether they would prefer to be represented by those two members who could not attend to their duties or would prefer to have two representatives who would be able to attend to their duties. Therefore under the rules His Excellency the Governor declared the seats vacant in order to give the constituencies their choice. The constituencies have made their choice and His Excellency the Governor does not propose to take any further action on that. He does not propose therefore to declare the seats vacant again. The constituencies now with the full knowledge that the gentlemen they have elected will not, at the present moment at all events, be able to attend to their duties in this Council, have elected them and the Governor has no wish whatsoever to declare the seats vacant. Well, Sir, these are the facts. As the gentlemen will be unable to attend to their duties in this Council, there is no possible object in bringing them here to take the oath of allegiance.

Babu AKHIL CHANDRA DATTA: May we be enlightened under what law or rule these gentlemen are prevented from attending the Council meetings? That was a question put by some of my friends here, but it has not been answered.

The Hon'ble Sir HUGH STEPHENSON: The Bengal Criminal Law (Amendment) Act of 1925.

The motion of Babu Abanish Chandra Ray was then put and the Hon'ble the President declared that the "Ayes" had it.

Maulvi MD. NURUL HUQ CHAUDHURY claimed a division.

Mr. PRESIDENT: I will not allow you to vote in the "Aye" lobby as you have challenged my decision.

Maulvi Md. NURUL HUQ CHAUDHURY: I don't care. I want to see what members are going to vote against the resolution.

A division was then taken with the following result:—

AYES—54.

Addy, Babu Amulya Dhone.
Ahamad, Maulvi Asimuddin.
Ahmed, Maulvi Najmuddin.
Ahmed, Maulvi Tayebuddin.
Ahmed, Maulvi Zannoor.
Ali, Maulvi Sayyed Sultan.
Bagchi, Babu Romes Chandra.
Bakshi, Maulvi Kader.
Banerjea, Dr. Pramathanath.
Banerjee, Babu Satya Kishore.
Banerjee, Mr. A. C.
Basu, Babu Sarat Chandra.
Bose, Babu Bejoy Krishna.
Chakravarti, Babu Jogindra Chandra.
Chakraverty, Babu Sudarsan.
Chaudhuri, Maulvi Saiyed Abdur Reb.
Chaudhuri, Rai Narendranath.
Chowdhury, Maulvi Fazlal Karim
Chunder, Mr. Nirmal Chandra.
Das, Dr. Mohini Mohan.
Das Gupta, Dr. J. M.
Datta, Babu Akhil Chandra.
Daud, Mr. M.
Dey, Babu Boroda Prosad.
Gafur, Maulvi Abdul.
Ganguly, Babu Khagendra Nath.
Haidar, Mr. S. N.
Hoque, Maulvi Sayedul.
Hossain, Maulvi Wahed.
Joardar, Maulvi Aftab Hossain.
Khan, Babu Debendra Lal.
Khan, Maulvi Abdur Raschid.
Khan, Maulvi Amanat.
Khan, Maulvi Mahi Uddin.
Lal Mahammed, Haji.
Maity, Babu Mahendra Nath.
Masih, Mr. Syed M.
Mukerjea, Babu Tarakanath.
Nasker, Babu Hem Chandra.
Neogi, Babu Manmohan.
Pahlowan, Maulvi Md. Abdul Jubbar.
Quader, Maulvi Abdul.
Raikat, Mr. Prasanna Deb.
Ray, Babu Abanish Chandra.
Ray, Babu Surendra Nath.
Ray, Dr. Kumud Sankar.
Roy, Dr. Bidhan Chandra.
Roy, Mr. D. N.
Roy, Mr. Kiran Sankar.
Sarkar, Babu Hemanta Kumar.
Sarker, Babu Nalinirenjan.
Suhrawardy, Dr. A.
Suhrawardy, Mr. H. S.
Tarafdar, Maulvi Rajib Uddin.

NOES—24.

Addams-Williams, Mr. C.
Birley, Mr. L.
Campbell, Mr. K.
Chaudhuri, Nawab Bahadur Saiyid Nawab Ali, Khan Bahadur.
De, Mr. K. C.
Dey, Mr. G. G.
Gatt, Mr. G. S.
Emerson, the Hon'ble Mr. T.
Faroqui, Khan Bahadur K. G. M.
Ghuznavi, Hadji Mr. A. K. Abu Ahmed Khan.
Goode, Mr. S. W.
Haq, Khan Bahadur Kazi Zahirul.
Hopkyns, Mr. W. S.
James, Mr. F. E.
Liddell, Mr. H. C.
Lindsay, Mr. J. M.
Merene, Dr. H. W. B.
Oaten, Mr. E. F.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, the Hon'ble Maharaja Bahadur Kshaunish Chandra, of Nadia.
Roy, Mr. S. N.
Stephenson, the Hon'ble Sir Hugh.
Wilson, Lt.-Col. R. P.
Woodhead, Mr. J. A.

The Ayes being 54 and the Noes 24 the motion was carried.

Mr. A. C. BANERJEE: May I ask you one question? Will you issue notices like the Speaker of the House of Commons to bring these two gentlemen over here to take their oath of allegiance and attend the Council meetings?

Mr. PRESIDENT: I am sorry, Mr. Banerjee, your Speaker has not got that power. I shall be glad if you can get it for me.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to announce that the Bengal Legislative Council stands prorogued.

B. G. Press—10-9-1925—845M—1,600—C. C. C. & others.

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